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MISCELLANEOUS.

— 529 —

The Scotsman.

VALUE OF REPUTATION AND POPULARITY OF JUDGES AND LAWYERS.

The same laws may be administered harshly or leniently; narrowly or liberally. Religious liberty may be patronized or discouraged; the Press may be favoured or almost extinguished, without any breach, in either case, of the letter of the law. These important differences depend almost entirely on the habits of thinking and acting of those who conduct public affairs.—*Ed. Rev. v. xxi. p. 171.*

Edinburgh, September 14, 1822.

We take a deep interest in all that takes place in our courts of law. The address of the Judges to Grand Juries—the expressions employed by them in giving opinions on incidental points,—in passing judgment upon those found guilty, or in admonishing the acquitted—and their manner of preserving order in their several courts—afford substantial evidence, not merely of the temper of the men individually, but of the degree in which they maintain their integrity as judges, and the extent to which they yield to undue bias, or carry their political subserviency. From the tone and manner in which the Counsel discharge their duties, again, we can see not only whether they are most anxious to raise themselves or serve their clients; but also whether they look for promotion by flattery and yielding to the Judges, or for practice by a generous and manly reliance on the honest and enlightened portion of the public:—whether they are actuated by a low, sneaking love of gain, which never fails to spoil the bench and degrade the bar, or ambitious of elevating practice by unsullied honour—of opposing an insurmountable obstacle to all stretches of judicial power, in their own magnanimous independence. The true animating spirit of both judges and lawyers is often to be gathered, more from an observation of small and apparently trivial circumstances, than of those obvious proceedings which bulk most in the public eye; and it is of little moment, comparatively, what our law is in theory, if it be administered in a bad spirit. We follow Mr. Justice Bayley, Mr. Baron Wood, Mr. Justice Best, and the other Judges of England, on their circuits through the country, with as much earnestness as a young lady peruses a new novel; being well convinced that in all laws there are maxims which may be carried to extremes very dangerous to the freedom of thought and action, and that the best principles of the best laws may be destroyed, or shorn of all their virtue, by ingenious and adroitly managed qualifications. In one sense, indeed, we may say of laws, what Pope said of Government, that those which are best administered are best; although we by no means intend to assert that positive institutions or specific doctrines are of no importance for when forms and maxims are on the side of liberty, they tend to nourish a spirit of freedom in the body of the people, and they drive those functionaries, who would undermine or overleap the barriers of general right, to devices and contrivances that, though not obvious to all, are yet detected by many, and which ultimately bring upon them contempt, hatred, and punishment. There is a progress making in knowledge which will at no distant period alter the state of society, and render it of comparatively little consequence what this or that man is; but at present, and for perhaps the last forty or fifty years, men are and

have been of nearly as much importance as measures. We consider it as of rather more consequence indeed, that our existing laws should be administered upon fair and honest principles, than that their defects, glaring as they are—should be remedied. We are most anxious for both however; although our present remarks are intended to bear chiefly, not on the making of laws, but on the temper of those who administer them. And we confess—singular as it may appear—that nothing goes farther with us in marking the temper of a Judge, than the language he employs respecting the value of popularity. Our own opinion is, that no Judge can be fit for his office who is not popular. To be so, however, requires no undue compliances, with temporary popular feeling. The Judge who should bend a principle, or distort a fact for the purpose of either pleasing a mob, or gratifying his own vindictive temper, would merit something worse than contempt. The popularity we speak of is acquired by a steady and honourable discharge of duty, under all the varying phases of time, place, and circumstance. This implies, on the part of the Judge, a due sense of his own value and dignity. He must know that an appointment for life, with an ample salary, is made, not that he may bend the law for the worst purposes of a bad administration, but to secure his independence—to make him a depositary of inflexible rules and principles—a shield and prop of the crown, by protecting it against the dangerous leanings of its own servants—a buckler and defence of the people by protecting them against every species of oppression. Such a Judge will not hastily accuse a poor man of being litigious, but will strive to shorten the law's delay—to lessen the law's expence in favour of the unfortunate suitor. He will be careful not to lend his ear to any dependant or parasite: he will be jealous of those under him, and be most ready and anxious to correct all abuses, but especially the vexatious obstacles reared up—the undue advantages taken, by subordinate functionaries: he will know that it is in the avenues to justice that obstructions are most frequently created; and he will bend all the strength of his mind to have them removed and prevented. Such a Judge may not be the favourite of a privileged class,—because he has never promoted the interests of one order of society at the expense of another;—but he will be respected by all, and be esteemed and beloved—we might almost say worshipped—by the great body of the people. He will and must be popular in the best and noblest sense of the word. But let us suppose, on the other hand, that a Judge is at once shallow and rash, that he is partial to rank, wealth, and consequence; that he dislikes, or rather hates every thing that has the semblance of sturdy honesty or independence; that he is full of passion and prejudice, warped in his judgments, violent in his conduct; that instead of being a check on bad and desperate men: who would tarnish the honour, and sacrifice the highest interests of the crown to forward their own selfish and temporary views, he descends, himself, from the dignity of the bench, becomes a partisan, and mixes in all the dirty politics, not merely of the nation, but of the town or parish in which he is placed, from the election of a Member, to the appointment of a door-keeper; cajoling, bullying, speechifying, or intriguing according to the circumstances of each paltry case. Supposing, however violent the supposition, that such a character should appear, how sunk would be the man—how detested the Judge—how degraded the Court,—how dangerous the existence of such a functionary to the reputation and stability

of any Government! Yet it is only by figuring such an extreme case that we can form an adequate idea of the immense good, or the immeasurable evil that may be done to a state by the conduct and character of the men whom it appoints judges. An upright bench is the great stay of a commonwealth: a servile corrupted bench, tends more speedily than almost any other moral cause to its fall. The property which men have in substance, character, life, is felt to be insecure; and as this feeling spreads, it becomes intolerable, and the more readily so in proportion as the people are informed, high-minded, and independent. It is easy to see, therefore, that the popularity of Judges is not less essential to the safety of a government, than it is to the mental quiet and happiness of a people. In both respects the value of that judicial popularity which cannot be had without being merited, nor merited without being had, is incalculable. Invisible as it may be, it is yet the strongest of all those ties which keep society together, and bind the governed to their governors; for the man who can at all times appeal to the laws of his country with a full conviction that justice will be done him, not likely to think of desperate remedies for any other defects; but let him be haunted with the idea that law is converted into a snare—that justice is a name for all sorts of iniquity—and what is then valuable either in life or country? Men in power ought to perceive that any thing should be tampered with rather than the administration of justice, and that the time is now come, or at least at hand, when a system vicious in that respect cannot by any possibility stand. In appointing Judges, then, they should look in the first place for *integrity* as the substratum on which every thing else must rest, and without which all the rest is nothing. Integrity can pierce its way through many difficulties, even with a small portion of capacity; and when it does err, no odium is incurred, and from the favour which it receives, responsibility is reduced almost to a shadow. But in the present state of society it would not be difficult to add capacity to intellect, and skill and learning to both. Talent and principle are not necessarily divorced from each other; and by one who should seek diligently they would frequently be found united. There is *material* enough through the whole of Europe for constituting a sound bench, as well as a gifted bar; and we would earnestly call upon Statesmen, in every country, to ponder the consequences of filling the judgement-seat with partisans, or persons who are qualified in no other respect than by having friends among the supporters of administration. When that course is taken it is impossible that Judges can either be useful or popular; and such is the advanced state of knowledge, that Judges cannot be long unjust and unpopular, without endangering the whole framework of Society. The reputation of courts of law must be maintained, and they can only now be maintained by the honour, independence, and integrity of the Judges;—by promoting men to the Bench solely on account of their merit. We grant, indeed, that the bench must always be in a great measure what the bar makes it, and that, in the worst of times, the most servile and venal Judges might be restrained and checked, if the members of the bar were to discharge their duty with firmness and spirit. But this is a branch of our subject, so important and extensive, that we must leave it for discussion in a subsequent and separate article. At present we shall conclude by praying, that we may never see the time when the bench shall be intolerant, vindictive, tyrannical, and the bar passive, temporising, indifferent, selfish.

Pulpit Warfare.—On Sunday se'nnight, the congregation of the dissenting chapel, at Bersted, near Bognor, were thrown into the utmost confusion from the following circumstance:—The Rev. J. Saunders preached his farewell sermon; and in the course of his address animadverted in very strong terms on the treatment which he had received from the members of the chapel during his residence among them. This drew forth some spirited observations from the Rev. J. Hunt, of Chelmsford (but late of Chichester), who sat in the body of the chapel. A warm controversy between the Ministers ensued, and which, to the great amusement of the auditors, terminated by Mr. Hunt's obtaining possession of the pulpit.

Ireland.—Extract of a letter addressed by the Rev. C. P. Wallis, to the Editor of the CORK SOUTHERN REPORTER, dated Renny, 30th Sept. :—

"I think it proper, through your impartial Paper, to lay before the public a plain statement of an outrage committed on my property on the night of Sunday last, the 29th of September, by burning a large quantity of tithe corn. I am Rector of a small parish called Monanimy. I had served the Cure of this Union for twenty-four years, for the first twenty years of which I had never been absent for six months altogether. I had a small estate, called Renny, within the Union, of small value, when I entered on it, but which I have improved to a high degree, giving employment to numbers, and expending not only the whole of what I derived from this estate, but from all other means, in agricultural improvements, in building and planting. I continue to hold in my occupation 300 acres of this estate, and have given employment to more than 70 people during the last year of pecuniary embarrassment and general distress, not one of those in my employment having been under the necessity of applying to any public or private charity. I confess that I did think myself, on the above-mentioned accounts, intitled to some small degree of favour and respect from the people amongst whom I had lived so long, and, as I thought, on good terms; but, alas! I have been disappointed. The favor shewn me has been by disgusting me as the first Clergyman in this county on whom such an outrage has been committed. The tithe had been drawn into a vacant spot. I had a watch over it at night, but not from any apprehensions, and so careless were we, that the guard had but one charge of powder, that in his gun, which was loaded with small balls. The attack, however, was made at the hour of eleven o'clock at night, by forty men or more, who entered the wood in different parties, and by different pathways, all from the west (Monanimy) side, meeting together, and surrounding the corn, they applied instantaneously and simultaneously the matches with which they came provided, to the five stacks, and to a large pile of wheaten straw which had been thrashed. I must say, that in this trying case the people who were in care of the corn, acted faithfully, and did their utmost, as likewise did the labourers in my employment, who, in drawing off my corn, acted with zeal and energy. Nor have I reason to complain of the farmers themselves, in division of the tithes which they gave fairly. If, however, it was left in the field at night, it was burned; this was seldom the case from the activity of my men, and my force of farming horses and carts. The presumption, however, certainly, is, that the miscreants who burnt the corn were either farmers themselves, or hired ruffians in their employ."

Appalling Crime.—As if the lawless portion of the community, in all parts of this unhappy island, were directed in their mad career by the same dark agency, no sooner is the yell of outrage raised in one part, than it is re-echoed in another. Last night, (Friday the 4th Oct.) a house, lately taken by a pensioner, situate on the Ballinasloe road, parish of Drum, county of Roscommon, within about four miles of this town, was set on fire, by a band of midnight incendiaries. With a diabolical ingenuity, which shews how much they were bent on the destruction of their victims, they hasped the door on the outside, while they kindled the thatch into a flame. Providentially, however, the pensioner and his wife, alarmed by the crackling of the straw, instantly rushed to the door, and by a desperate exertion of strength, broke it open, and escaped unhurt. The house however, fell a prey to the flames.—*Athlone Herald.*

Tithes.—The still increasing atrocities of the Cork peasantry disclose the rapid organization of that conspiracy against the rights of property which is more especially operating against the interests of the Ecclesiastical order. The revenues of the Church, wherever the working of this fraudulent and outrageous system has been uncontrolled, are considerably deteriorated, as regarding the several classes of beneficed Clergy; and it is quite plain, that nothing but a strong and immediate interposition can defeat these well-concerted plans of spoliation. A unity of arrangement, unequivocally demonstrative of a general co-operation amongst the peasantry, is strikingly evident in the proceed-

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ings of these infatuated miscreants, whose present policy, extending far beyond a fair and reasonable reduction in the rate of tithes, embraces a total and unqualified scheme of deprivation, which withholds all supports whatever from the harassed and defrauded Clergyman. The factitious adversary of ecclesiastical rights, may prattle as he will, on the alleged severity of what he affectingly calls the exactions of the Clergy, but the true spirit of that sinister commiseration with which he brings forward pretences of exaggerated or fictitious wrong, is forcibly illustrated in the progress of fraud and robbery which is now so vigorously carried on against the property of the Established Church. Nothing short of actual spoliation—no moderate abatements justly proportioned to the exigency which may call forth such remission—will satisfy these confederated plunders who wage a warfare of perverted law, and systematic outrage against the Protestant clergy.—*Kilkenny Moderator*.

St. Petersburg, Aug. 30.—Rescript directed by his Majesty on the 13th instant, to the Minister of the Interior.

"Count Peter Pawlowitsch! The troubles and disorders which have arisen in various other States, through the existence of Secret Societies, some of which, under the name of Freemasons, were at first founded for charitable purposes, and others secretly pursued political objects, have induced some Governments to pay stricter attention to them, and in the end wholly to prohibit such Secret Associations. As I always direct particular attention to the creation of a firm bulwark against every thing that may be injurious to the Empire, and especially at a time like the present, when unhappily so many States offer sad examples of the ruinous consequences of the philosophical subtleties now in vogue, I have found it necessary to the general good, to command as follows with respect to the above-mentioned Secret Societies:—1. All Secret Societies, under whatever name they exist (as well as the Freemasons' Lodges) shall be closed, and the establishment not to be allowed. 2. All the Members of such Societies, as soon as they shall be informed of this measure, are to engage in writing to take no part henceforward, under any pretext, in any Secret Society, under whatever well-meaning name it may exist, either in the empire or in foreign countries. 3. As it does not become officers in the public service to bind themselves by an oath but that which the laws determine, the Ministers and Authorities are bound to require from those subordinate to them, a frank declaration whether they belong to any Freemasons' Lodge or other Secret Society in or out of the Empire, and what that Society is. 4. A written engagement is to be taken from the Members of them, that they will break off all intercourse with them, and he who also refuses to sign such an engagement, shall be dismissed from the public service. 5. The Authorities in the Governments are strictly enjoined to take care that no Lodges subsist or be erected any where, or under any pretext whatsoever. 6. That all persons employed on the public service, engage by their signatures according to the 3rd and 4th, not to belong to any Secret Society either now or in future. Without having signed such an engagement, they cannot be employed in our service.—I am convinced that you will neglect nothing to effect the due execution of my order, and that you will communicate this to the other Ministers, that they may co-operate with you for this purpose.

ALEXANDER."

Extraordinary Circumstance.—Yesterday afternoon, (Oct. 4), at three o'clock, an inquisition was taken before John Wright Uawin, Esq. one of the Coroners for Middlesex, at the sign of the Rose and Crown, in Goswell-street, on view of George Clifford, aged 13, who destroyed himself under the following singular circumstances:—

The first witness, Mr. Bonnell Williams, a surgeon, deposed to the cause of the boy's death, which he said was evidently occasioned by hanging. All the means of resuscitation were used for nearly two hours without effect. He had no previous knowledge of the deceased.

Mrs. Ann Bocoek sworn.—I am a housekeeper to Mr. W. Wase. On Wednesday last between one and two o'clock, I had

occasion to go into the cellar for some water, when I saw the deceased twisted tight in the jack towel, and in a kneeling posture; I was terribly alarmed, and sbricked out for assistance, when my master and one of his men came down stairs. The deceased was released from the towel by my master after much difficulty. I then went up stairs and ran for medical assistance. The deceased was between thirteen and fourteen years of age. I have heard he had often before put his head in the towel, and twisted himself round till he was quite giddy, but I cannot state this on my own authority.

CORONER.—Have you any reason to suspect that the deceased intended his destruction?

Witness.—Certainly I had not: I think it was done accidentally. He must have twisted himself round till he was senseless, and so lost his life.

Mrs W. Wase sworn.—I am a butcher, carrying on business at No. 149, Goswell street; the deceased was my servant, and had been in my employ about eighteen months. On hearing the screams of the last witness I ran down stairs, and found the deceased in the cellar with his head in the towel, which was twisted very tight round his neck. He was lying with his face towards the ground. He was quite dead and cold. The deceased was often in the habit of twisting his head in the towel, and had often been warned against it.

CORONER.—Had you any reason to believe that he meant to commit suicide? Witness replied in the negative.

John Kinnaird, servant to last witness, sworn.—I went into the cellar with my master, who took the deceased out of the towel. He was on his knees, with his hands hanging down. His head was in the towel, which was twisted very tight round his neck. My master could not release him without taking the towel off the rail. The deceased had been missing about half an hour. He was quite dead when he was found. The deceased had been in the habit of twisting his head in the towel before in a playful manner, and I had often told him he would do it once too often.

The CORONER, in addressing the Jury, observed, that it plainly appeared the deceased was in the habit of trying experiments of this description, and it was quite evident that he did not contemplate suicide.

The Jury consulted for some time, and returned a verdict—That the deceased strangled himself by accident, and not with the intent to commit suicide.

Marine Curiosity.—A very singular fish is at this time in pickle on board the MARY FRANCES, Greenland ship, now in the Old Dock, of this place. Mr. Wilkinson, the Captain, says it was caught to the north of Shetland by some of his men sent out in a boat, who saw it floundering on the surface of the water, and dragged it on board by one of its tail fins. Its formation is exceedingly clumsy and its movements must have been very slow. On a first view of the head, we fancied we saw a strong resemblance to the large wrinkled face of a fat old man, and the nonsense about mermaids immediately recurred to our recollection. But a whole view of the animal soon dissipated all our reveries, and left us only to wonder at the variety of the productions of nature. Its shape is nearly oval, being from head to tail rather more than three feet, and in breadth two. The skin of a deep gray, and all over as rough as a file moderately worn; so rough, that when the sailor laid hold of the tail fin to pull it out of the water, his hold was as firm as if he had been grasping a piece of strong sand paper. Captain Wilkinson says, that when it was first taken its eyes were quite prominent and exactly resembling human eyes. It is furnished with a pair of ears, with two small fins beneath them, and two large tail fins, between which is a short fleshy tail. We see it described in yesterday's ADVERTISER as the sun Fish of Dr. Shaw, and it probably is one of that singular species; but it seems odd, as Captain Wilkinson assures us is the fact, that if it be, the eldest fisherman in Shetland never should have seen any thing like it before.—*Hull Rockingham*.

Secret Societies and Plots in Germany.

(Abridged from a French Paper.)

An Inquisitorial Commission, appointed by the Diet of Frankfort, after three years of labour, has furnished its first report, which brings down an account of their operations to November, 1821. This report embrace a variety of objects, and shows that its information is the result of unwearied industry, patience, and skill, on the part of the members of the commission. They proceed in this way:—They thought it their duty to separate the facts according to their different relations, and to unite together, with each fact in particular, all passages that offer probabilities, drawn from writings and *proeda verbaux*. In their inquiries they sought after facts, and to the tracing of the same effects to different causes.

The origin of the political plots in question goes as far back as the year 1806. From letters written by several persons at that time, it was ascertained that many thought that a political regeneration was necessary in Germany. These were followed by seditious pamphlets, and by the labours of several associations, at the head of which was the celebrated Fichte, to establish a mode of public education, whose aim it was to unite the German youth in a community independent of Government of the political regeneration of Germany. The preponderance of the French Government pressing so awkwardly then, on Germany, contributed not a little to animate the patriotism of the young men, and at the same time to exalt the sentiments of men of ripe age. The report then alludes to the society of the Union of Virtue, which was founded in 1808. Its suppression after the war of 1809; but the members of it continued still to promote their former objects in secret. From this sprung the Germanic Union, under the auspices of M. Jahn. This person and some of his colleagues were examined by the commission as to the real objects of their society; but their statements were contradictory of each other. When the French armies suffered the overthrow in Russia, 1812, most of the pupils and members of these unions enrolled themselves as soldiers against France. After the treaty of Paris in 1814, a new union (the Union of Usingen) was founded, having for its end the political union of Germany lesser association multiplied. The return of Napoleon inspired these unions with fresh spirit. In the agitations that must follow, they hoped to be able to extend their influence. But in consequence of much misunderstanding and suspicion created in the public mind by the press with regard to their objects, the heads of the union resolved to dissolve the societies, at least so far as regarded the form. The Union of Usingen was abolished in a general assembly, held at Frankfort in the beginning of October, 1815: but the members still continued active. They acted with more circumspection than before and took their measures so well, that not withstanding the abolition of oaths and statutes, they could always calculate on the fidelity and obedience of their affiliates.

The confederates of Usingen had commenced by gaining over the students of Universities. In 1815, Sandt was already a member of a society, called Teutonia. Similar societies were formed at Heidelberg and Giessen. Irregular societies were formed in several places, and the numbers of the associated were trebled. There was a new society formed at Darmstadt about this time, consisting of some of the old members of the Usingen Union, and having amongst its members six advocates. All the confederates were in constant communication with each other. They could not publish a journal of their own for want of money. The object which they were all interested about at this time was the establishment of a national Parliament, which was to convert the federation of Princes into a federation of the people. Whilst these plans were going on in southern and eastern Germany, in the northern parts the gymnastic exercise (*turnwesen*) and the affiliation of students were promoted. The gymnastic exercises were systematized by M. Jahn, the director of all the schools formed on the same plan. The scholars of Jahn, united by an uniformity of exercises, of dress, and manner of living—and elevated by notions of liberty, equality, and fraternity...by discourses, feasts, and songs, were on the point of forming a community to be spread over all Germany, detached from all family and other ties filled with fanaticism and mutual devotion, and consequently very fit to form the model to all political factions or individuals of enterprise. The affiliations of students were conducted on a similar plan, and had similar objects in view. The fête of Warburg, in October, 1816, was an era of the greatest importance. Thence these societies and schools took a more decidedly political spirit, and, from that to 1818, was nourished to such an extent as that a plan was proposed by the Union of Giessen to be immediately executed, by which the moral face of Germany was to undergo a through change. The Unions were alarmed by the assembling of Congress at Aix-la-Chapelle, and from that moment the members became more guarded in their conduct. They were watched with greater assiduity. The different Unions in the measure were active, and continued to propagate their opinions by the press in various forms. The

Union of Giessen required no professions of faith from its members. Whoever signed one of them gave thereby a guarantee of his sentiments. The provocation to acts of this nature arrived at Jena in the month of Feb. 1819. Charles Sandt already determined since December, 1818, to assassinate Kotzebue, wrote to Giessen that he was decided to do every thing for the safety of Germany. It was very well seen that he was elevated by the discourse and debates of the Union. Three weeks after Sandt set out for the act of assassination, after a sojourn very unaccountable at Erfurt, and after remaining four days at Frankfort, he went to Darmstadt, where he remained hid four days, near the members of the Union. He waited there for his friend Sartorius. Sandt set out for Manheim, and there committed the assassination. The letter which he left to his friends of Jena, implies the most perfect concurrence in their sentiments—a circumstance that merits the more attention, as the opinions of the students, expressed in their letters and journals on the crime of Sandt, exhibit the greatest diversity. Sandt did not hesitate to declare his most intimate and cherished friend as having a knowledge of his design, which he did solely to rescue from all suspicion another friend with whom he was less intimately connected, but from whom he expected more for the success of the Union. Thus it was that he put in practice the principle that all means are good—a principle by which he thought to justify his crime. The writing which was published by Sandt after the assassination, entitled "The Mortal Blow," had for its object to express a hope that this crime (which was only the execution of the law pronounced by the faction against Kotzebue) would be regarded as the signal for similar violence and even for general rebellion. Sandt had an imitator in the person of the apothecary Loning. The members of the Union were not wanting to act up to the injunction of Sandt; but all their attempts and intrigues were foiled, and the investigation that were set of foot in 1819 in several parts of Germany, and the seizing of a variety of papers, completely checked the activity of the Unions. Some of their members proposed to establish an asylum in America. The plan was committed to a paper, which contains a very remarkable view of all the manœuvres of the faction up to that time. With this paper is connected the further means of discovering the operations of the faction.

Recollections of a Native of Perthshire.

(From a New York Paper.)

The Baillie Nicol Jarvie, too, was a real personage, and his name is correctly preserved to him. The narrator of the foregoing, has now in his possession in this city, the identical, huge leather purse, Bob used to wear in his girdle, and from which, we can even now almost fancy we can see the stern outlaw, in one exigence and another, dispensing his solid thousands, (from his exactions of the wealthy wicked,) to aid his friends, and cheer the oppressed; to rescue from the toils of villainy a Francis Osbaldiston, and a Diana Vernon, and a Frank Osbaldiston.

"Bessey Bell and Mary Gray, they were twa bonnie lassies,
They digged a bower on yon burn side and thatched it o'er wi' rushes."

The mournful and untimely fate of these sweet blossoms of innocence and beauty, whose loveliness is so well depicted in the admired old song of which the foregoing are the two first verses, is not probably known to many. During the mortal plague, which raged in Scotland about the middle of the 15th century, these "twa bonnie lassies," in a mingled spirit, perhaps of romance and prudent caution, retired to a pleasant "burn side," on the estate of Lord —, in Perthshire, where they built them a little house of the shrubs and bushes that waved in sweet luxuriance around them; and providing for a supply, of such comforts of nature as they should direct, designed to remain in their happy seclusion till the terrors of the pestilence were overpast. But how vain are all the cautions and preventives of human foresight, against the appointments of Heaven.

A lover of one of the fair friends, impelled by affection, made a visit to their asylum, and bore with him the mortal infection somehow unconsciously contracted in his clothing. The dear object of his soul's regard, fell the first victim. The companion of her retirement, shortly followed; and the same moss-grown grave, which wraps their common clay, is still pointed out to the passing traveller, and is still hallowed by a thousand tender sentiments. A sprig of the moss was plucked and preserved, by the same narrator on his last visit to the home of his father's near the consecrated spot.

MACBETH.—From the prostrated ruins of this Castle of this bold usurper, situated about 50 miles from Edinburgh, the same gentleman also reserved a fragment. M'Duff's Castle still remains in the vicinity a few miles from it, but not so much dilapidated as that of Macbeth, having been formerly dismantled and demolished. A walking cane, cut from "Birnam Wood" may also be seen in the same gentleman's cabinet.

ASIATIC DEPARTMENT.

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Prosecution for Libel.

SUPREME COURT.—CALCUTTA, MONDAY, MARCH 7, 1823.

James Silk Buckingham, Esq. late Editor of the Calcutta Journal,
VERSUS

John Pascal Larkins, Esq. John Trotter, Esq. Richard Chickely Plowden, Esq. Thomas Lewin, Esq. Charles Becket Greenlaw, Esq.

Counsel for the Plaintiff:

R. C. FERGUSON, Esq.—T. E. M. TURTON, Esq.

Counsel for the Defendants

LONGUEVILLE CLARKE, Esq.—JOHN JAMES PEMBERTON, Esq.

BENJAMIN COMBERBACH, Esq. Attorney for Plaintiff.

W. H. ABBOTT, Esq. Attorney for Defendants.

The celebrity of the Plaintiff in this case, the rank of the Defendants, together with the notoriety of the long course of libelling in which it originated, had excited such general interest, that the Court was crowded with a large and respectable audience, which, added to the heat of the weather at this season, rendered it extremely oppressive. The following report, prepared in the course of yesterday, is necessarily less perfect than we could have wished; but we prefer gratifying the immediate expectations of the Public, to delaying for the purpose of making it more copious and detailed.

Mr. FERGUSON commenced by stating, that the numerous assemblage of persons which crowded that Court, evinced the deep interest which was felt as to the issue of this trial. If, however, he could at any time have answered the expectations which might have been excited, he certainly could not on this occasion; he must indeed apologize to his Lordship, and above all, the interests of his Client required from him an apology, that he could not address himself with that effect to this case, which might be looked for from him; but he really was not in health, nor equal to that exertion, which it might be deemed incumbent on him to make on this occasion. He lamented it the less, however, because the case of his Client was so clear, that in fact much exertion was unnecessary. The learned Counsel observed, that he had to ask his Lordship's verdict for a series of the most atrocious Libels that had ever been seen or heard of. The character of Mr. Buckingham was well known; he had been nearly five years before the Public. Opinions were certainly divided about him, but he declared that nothing he had heard had led him to change his opinion of his Client, or to shake his confidence in his integrity,—no conversation nor any publication that he had seen, had brought any conviction to his mind of the delinquency of his Client, and he did think, that he had successfully refuted the charges conveyed in these Libels. The learned Counsel said, that the Proprietors of the JOHN BULL were undoubtedly persons of the highest respectability; indeed, men more respected—more beloved in society, could not be found in the world; but they must take the consequences of these Libels, which were published in the Paper which they owned. A letter was addressed to the Editor, requesting him to give up the names of the Libellers; and he was assured, that if he would do this, no steps should be taken against him or the Proprietors of the JOHN BULL: This was refused. The learned Counsel said, he did not blame the parties for this refusal: they may have felt themselves bound in honour so to act; but they could not after such refusal complain of being hardly dealt by—he thought that Proprietors were justly liable for damages awarded for Libels, published in their Paper; although he would not carry this principle to the extent to which Lord Erskine had done in his 2d Libel Bill. A man had been convicted under the Libel Act: the Jury had found that the Libel had been published at a shop in which he was concerned—and altho' an Affidavit of a Physician had been put in, to shew that he was ill, and on the day of publication actually in a state of delirium, yet he was condemned to the pillory;—now, he would never have approved of the principle being carried to that extent; but to this, he had no objection, that Proprietors should be criminally responsible for Libels published knowingly to them; they ought to be in such cases criminally as well as civilly liable. The 2d Let-

ter of NIGEL was, the learned Counsel observed, the most atrocious; but the 1st had been evidently deliberately published, and under the consideration of the Editor for two days. It is dated the 26th of November (1822), and did not appear till the 30th. In the mean time, two Notices appeared, which proved that without the most gross and culpable neglect it could not have been published. On the 28th, we have the following notice:—

"The Letter of NIGEL would have been given to day, only that there are one or two expressions in it which however true and just they may be, we would wish expunged; and also because we think that in one part of the Letter, the writer is not correct. If he will send early to the Office, we will have a Note ready for him explaining what we mean."

This referred to the 1st Letter not published till the 30th and on the following day, said the Learned Counsel, on the 29th, we have again what follows in reference to this same Letter.

"NIGEL is delayed for a day or two; in the mean time we should wish to have our desired corrections revised by the Writer."

The Learned Counsel observed, that if men chose to indulge in the strange taste of embarking their property in a Newspaper, they were bound to see that neither the Society, the Government, nor the Laws are libelled in it. With respect to this Letter of NIGEL, the Proprietors must have seen that it was composed of exceptionable matter, when even the Editor of the JOHN BULL deemed it objectionable; they must have known then that it was unfit to appear in any Paper.

In the 2d Letter of NIGEL, it is clear that the first letter was made, in a manner, the production of the Editor; for in this, NIGEL accuses him of having cut down, emasculated and weakened his first Letter; but the 2d Letter, which the Editor had the audacity, the impudence to insert, was infinitely worse. The libels referred to on the 28th and 29th, the Learned Counsel observed, were to the effect which he should then take the liberty of showing, and if this publication was a libel, then the Proprietors were wholly without excuse; nothing could mitigate their offence; because the first Letter of NIGEL, had been under consideration for several days, and it was their duty to see that libellous matter was not published. They were aware that a Letter had been sent to the Editor which was objectionable, and it was as much their duty to see that it did not appear as if they were actually from morning till night at the Printing Office. There would indeed be a difference, and something like an excuse in society, if it could be made appear that they had not power to prevent the insertion of libellous matter; tho' even this, would not be admissible in Law. The learned Counsel observed, that if he were to remark on all these Libels, he must extend his observations to considerable length and detain the Court a very long time. But he deemed it altogether unnecessary; he would now quote a Passage from the 1st Letter of NIGEL to shew its tendency:

"If a stranger was to declare in a large party of gentlemen in Calcutta, that the Society of this metropolis was indifferent, who may be admitted a Member of it, and that impostors are tolerated in circles where persons of the first honour and character meet, he would incur the hazard of being kicked out of the room." ("A very good exordium I think" said the learned Counsel) "I will not venture to assert that the stranger would speak the truth, but I affirm that he might say with no small degree of justice, that the indulgence of part of this community to unworthy objects, has at times been carried to an improper length. Let me ask whether in any other society in the world, when a man who has betrayed the trust of his employers, falsified letters, &c. &c. is admitted into the company of gentlemen, until he has satisfactorily cleared up his character. I apprehend however, that this society will have to submit to such an imputation, unless its leading members step forward and rescue it from the stigma which will infallibly attach to it if it slyly submits to the intrusions of any man placed in such a situation."

Here, said the learned Counsel, is a man held up to public scorn and detestation, and so branded with infamy that it is held incumbent on all at the risk of personal quarrels to turn him out of society; a call is made on it to expel him—a call impudently and audaciously made; because there are those of the first respectability in society who say we will not cast off this man because we still believe him innocent. The learned Counsel then proceeded; the letter continued thus:

"Let the public feeling be honestly and spiritedly displayed on some public occasion, and its acorn be so manifestly marked, that no further doubt may remain as to the relation in which such a character should stand towards them in future. It will be said, no one likes to be the first to do so harsh, tho' so just an act: I will admit this unmanly plea to gratify the weakness or indolence of those who may be inclined to urge it. I ask no individual to come forward; I claim only the general voice of an insulted body of Gentlemen, and call upon them to express unanimously the disgust which they must entertain. I expect to join in the approaching national festival and possibly go to the next public Ball; am I, and those who think like myself, to be exposed to the intrusion of a man in such a situation? No, it belongs to those who preside at such meetings to admit no persons of exceptionable character; and if actuated by a sense of false lenity they forbear to use their power of expulsion, they will neglect the duty which they have engaged to perform.

"If the late discussions in the newspapers have excited such great interest among the established inhabitants of Calcutta, what impression will they not have made on the numerous high minded Strangers who have lately joined us? They will doubtless express their astonishment at the felicity of the good people of this metropolis; and think that a tropical Sun has melted away all those lofty sentiments of honor which are imbibed in the mother Country, and destroyed all our faculties of discrimination.

"Some decisive step should at once be taken to remove the heavy imputation which at present presses upon the character of this society. If the opportunity be lost now, we must henceforth submit meekly to the charge that we are too supine to select our Company, or too weak spirited to purify it from contamination."

Nov. 26th.

The learned Counsel remarked that in this letter the Writer was extremely cautious of pointing the Libel directly at the individual, and but for an article that had appeared respecting Briggs and Co. it would have been difficult to bring it home to him. But in the second letter of NIGEL it is sufficiently clear that the charge of falsifying letters and of breach of trust alleged, were pointed at Mr. Buckingham; it was impossible almost to doubt this after reading even the first letter, but in the 2d letter all doubt was removed. The Learned Counsel said that the first letter was sufficient to have justified the Proprietors of the BULL to call a meeting and deliberate whether the Editor who gave insertion to it, should be continued in his Office; if they did not do this, they are justly liable for his Libels. The learned Counsel observed that the writer (NIGEL) gaining Courage becomes more abusive as may be gathered from the very quotation at the head of his letter—it is.

*"Quid sentire putas omnes, Calvine recenti,
De scelere et fidei violata crimine? JUVENAL.*

This was sufficient the learned Counsel said, to shew that his Client was accused of being the most nefarious villain upon earth; and the letter itself proceeded in the same strain; it begins:

"In my last letter, which you have I confess amply emasculated, not to mention typical errors, I called upon those parts of the community which assumed the title of gentlemen to discard from their society an intruder into it, who has been convicted of deliberate falsehood, and who has been branded in a public Newspaper with the most ignominious epithets without his being able to repel such unqualified and degrading insinuations. I would fain hope that his appeal will have made the desired impression generally, tho' if any assertion of the Journalist can now be credited, there are some persons who still resist the conviction which has been urged with such close and forcible reasoning confirmed by proofs so fatal to the delinquent."

The learned Counsel here observed, that whether the Writer meant his own forcible reasoning he did not know, but certainly he, Mr. F. could never find where it was. The letter he observed went on as follows:

"I am compelled therefore to declare, that according to the usages of society, whoever in the rank of a gentleman extends the hand of fellowship to one who has forfeited his title to that appellation, will do well to consider whether he does not incur a risk of contracting a portion of his disgrace."

The learned Counsel commented in terms of merited severity on this infamous passage. Here was, he observed, an anonymous Writer, daring to point out to gentlemen in society how they were to act to maintain their character, telling them that they

must not presume to judge whether the accusations of this anonymous libeller were just or not; but that if they associated with the individual whom he denounced, they were disgraced. The learned gentleman then quoted another passage from the same letter, and having commented on it, observed, that he then came to the infamous libel on the army, which he quoted as follows:—

"Let me ask, would any King's Officer venture to introduce the disgraced individual, alluded to, to the mess of his regiment? I answer in defiance of contradiction, No. I am satisfied the Company's army would be equally jealous of their character, and I would ask whether this person will ever dare to boast of the socialities and festivities of Dum-Dum. It would be rash to set bounds to the presumption of which we have had such abundant proof, as to answer No, positively, to the last query; but we may easily predict the consequences of a reply in the affirmative. I shall not pursue this branch of my observations further, because the example of those honourable bodies, would, it is supposed, be followed by the bulk of the other classes of the community, who stand on the footing of Gentlemen."

The Learned gentleman demanded if it was possible that such a Writer could be influenced by any honest feeling or by any other feeling than that of the most personal and black malignity against an individual who may have stood in his way; he could not recollect of any attempt—even in the worst productions of the English Journals—of any attempt so base as this, to injure the character of an individual. It was not enough for the Writer to get the King's and Company's army to shun Mr. Buckingham; no; he knew if he could get their verdict; if he could get him turned out of their society, others would follow; he called on the Public to unite with him in branding him (Mr. B.) with infamy. But not satisfied with this, and thinking that Mr. Buckingham had friends and acquaintances in the Civil Service too, he called specifically upon them to discard him. The learned Counsel then quoted the passage referred to; as follows—

"Supposing, however, that some of the Gentlemen of the Civil Service should profess not to be convinced, or (what is more likely after what is passed) should, in disregard of conviction, continue their countenance to the unworthy object of their predilection, it would be worth while to consider, whether they would preserve the esteem of their more judicious brethren, or whether the confidence of the Government in their discretion, would not be somewhat impaired."

The learned Counsel observed that more detestable, malicious, and damnable Libels than these, were never published; a List of proscription was to be hung up for those who still continued to hold out the hand of fellowship to one, whom an anonymous writer thought fit to brand; it was an insult to society—an insult to the Government, for it insinuated that its members were inclined to listen to slander and backbiting. He (the learned Counsel) knew one of the Members of that Government, who would spurn from him the degraded wretch who should dare to tell him, that the man who should still associate with one who was denounced by an anonymous writer, was disgraced—by a writer, whose malignity was carried at large into the collective society of Calcutta, and aimed at every one who was not of opinion with this NIGEL.

As for the discussion of Buckhardt, Bankes, &c. the learned Counsel said he should not enter into it. The justification being abandoned, it was unnecessary; and those who expected him to enter into the merits of that controversy would be disappointed. If to that controversy alone, the discussions of these Libellers had been confined, even though they had expressed themselves warmly, he should have thought little of it. But what right had they to dictate to society; to tell even him, that if he did not withdraw his regard from a person whom he believed to be innocent, he should be held to be disgraced, although nothing had been produced to justify his withdrawing his friendship from that individual. The letter then goes on, to fix the libels on a highly respected individual in a manner that cannot be mistaken. It says:—

"The noble character of the British Merchant is so universally acknowledged, and established, that no slight error can affect its excellency, yet we should grieve to see generosity confounded with perverseness, and party spirit usurp a blind dominion over long venerated worth."

The Learned Counsel remarked, that here was a person protected by members of this society on his first arrival, and by whom he was still not thought unworthy of their friendship,—denounced

as unfit to associate with any of them, and they were called perverse, because they did not choose to adopt NIGEL's opinion that he was disgraced. The Letter, said the Learned Counsel, thus proceeds:—

"If, then, it is clear that none of these classes, singly, would tolerate the company of the individual in question: how then, in the name of consistency, can they admit of his presence in their collected society.

"Nullane per juri capitis fraudisque nefanda pana erit?"

Why, the Learned Counsel enquired, had he not proceeded with the quotation.

—"Abreptum crede hunc graviore catenâ.
Protinus et nostro (quid plus velit ira?) necari.
Arbitrio."

If his Client had been in any thing to blame he had been punished sufficiently—he should have thought, to satisfy even NIGEL. But could it be allowed, the learned Counsel would ask, in any country on earth, that such language could be endured—even if his Client had been the worst of human beings—even if he had, as he was accused of having done, borrowed money from Mr. Burckhardt, it was impossible that it could be allowed that any man should be dealt with, after this manner, whom the Law had never touched, and who had a right to be protected by it. The Writer goes on to say, observed the learned Counsel, "Let him indulge the licentiousness of his latter occupation (Editor) during the short period he may be allowed to do so with impunity," (Oh, Prophetic spirit! exclaimed Mr. Fergusson). "my business is not with that; all I desire is, that I may not be compelled to associate with the Journalist of Jerash! As I may be accused of pressing too hard upon one already so miserably dis-credited, I must anticipate the charge by saying I do not strike my fallen adversary. I only strive to cast away the Carcase, (signed), NIGEL." (Oh Brave Nigel!

These were, the learned Counsel said, the letters of NIGEL, the others were not indeed so bad; but every day since, they had gone on to publish libels even after notice had been given to the Proprietors; and if he would have included in his brief all the libels that had been published since, in the JOHN BULL, he must have kept his brief open till that moment. The 2nd and 4th count referred also to the letter of NIGEL. There was another letter anterior in point of date set down as the 6th count, signed CIVILIS, and published on the 29th November. The Learned Counsel quoted from it as follows:—

"The total disregard to truth, honesty, and fair dealing, which now distinguishes and disgraces the CALCUTTA JOURNAL, might render it necessary and becoming to pass unnoticed any remarks that may come from it. But where the conduct of a Public Meeting like that of Monday last is concerned, it may be allowed to descend for once to the level of a writer, on whom the vile stigma of Calumny, Falsehood and Ingratitude has been fixed with a depth of impression which no time can erase."

And towards the conclusion of it, said the learned Counsel, he thus proceeds; the same spirit of a demon pervading the whole of the Letters:

"Again I call on the Public to judge of a Public Journalist who can so grossly and wilfully and maliciously misrepresent the proceedings of a Public Meeting. On this man, Public attention is at this moment intensely fixed. At this moment "Falseness and Iniquity" and dark ingratitude have been brought home to him with tremendous effect. Enough has already been published and PROVED, to stamp those who countenance the CALCUTTA JOURNAL, as lost to a just sense of honourable conduct, and I trust the powerful pen of the FRIEND TO BANKES, which has already covered the "principal" with disgrace, will not spare those who by countenancing, should participate in his disgrace.

Your's, &c.

28th November.

CIVILIS."

No man, the learned Counsel contended, could be justified in, or allowed without responsibility to call on others better than himself, to do what their judgement pronounced wrong. He would now quote a passage from the Letter of SAMFRONIVS published in the JOURNAL of the 13th of December:

"Your able Correspondents have proclaimed the Journalist to be one who to breach of trust to his employers has added unworthy deception of the society in which he moves; unfeeling attacks on public and private characters; base ingratitude for kindness shewn to him in circumstances of extreme distress and the vilest and basest slander of his benefactors now unable to speak for themselves."

Here was another direct attack on personal character. He would now advert to the FRIEND TO BANKES; really there were so many Libels that he could hardly be expected to preserve order, and might very probably pass over some altogether; he was now going to quote from a letter of this FRIEND TO BANKES, the passages set forth in the 7th and 8th Counts. He observed that this Letter displayed more ability than the others; in fact, it was evidently the production of a man of talent, and the more likely therefore to excite attention. Mr. Buckingham had published a Defence, and he did not so much blame the FRIEND TO MR. BANKES for having followed it up by what he called his NEW YEAR'S GIFT. He did not deny the right of discussing facts and opinions; but he denied the right of a man to call on the public to expel another from society. This discussion it appears, originated in an article published in the QUARTERLY REVIEW. Mr. B. replied. MR. BUCKINGHAM'S DEFENCE was in answer to this. The Writers in JOHN BULL renewed the attack, and the NEW YEAR'S GIFT followed it by way of rejoinder. The learned Counsel said he should pass over great part of this, till he came to the sting of it—to that which developed the sole end and aim of these anonymous writers. The writer says in one passage of it, "The Stewards of our Assemblies have been publicly called upon to decide whether Mr. Buckingham is to be permitted any longer to appear at them. They owe it, I think, to the Noble Marquis, about to leave us; they owe it to Society and themselves to come to a speedy decision;" but he did not find the Public, it seems, or the persons who had the direction of those Meetings, so zealous in the Prosecution of Mr. Buckingham, as he could have wished. Another passage, said Mr. F. is as follows;—"To the iniquities which I have already brought home against Mr. Buckingham, he has added the most base and UNGRATEFUL attack upon the honored and revered name of the Marquis of Hastings. The learned Counsel said that in his apprehension he never did so; if he did, so was rank sedition, and the Public Officers had neglected their duty in not bringing him to condign punishment. A call on the Army too, to support him against the Government would be an act of sedition that nothing could exceed in enormity, but I have no where found it. Yet the Friend to Mr. Bankes proceeds.

"The language of this man is not merely presumptuous, piling, unmanly—But it is absolutely criminal. If he calls on the Civil Service and the Bengal Army to stand by him, as an injured individual, his call is seditious—if he is injured in character, the laws of his Country are open to him, and he tells us he is going to them!! If he is beaten in argument, the call, if it were even attended to, would avail him nothing.—If he make his call, and he does make it in behalf of a glorious Act! which not even the hands, that first performed it, ought to be permitted to undo—he is the man, whom I have always taken him to be—wielding the energies of the Press, for the destruction of our Power. He is the Public Enemy, I have denounced him, and I cease my notice of him by re-asserting that every Lover of his Country, is bound to withstand and reprobate him—the Government of India Most Signally to punish him."

The learned Counsel said he had been punished—signally punished; and he hoped even the FRIEND TO BANKES was satisfied. Who he was he did not know; he was certainly a man of talent, and as talent was rather a scarce article, the letter has been ascribed to persons supposed to possess it. The FRIEND TO BANKES had asserted that he should have thought it no shame to have acted as he had done, even if he had belonged to the pulpit or the Bar, it sometimes happened however that unmeaning admiration mistook the venom of the shaft for the vigour of the bow. The man who fought in a mask, the learned Counsel remarked, was safe to shoot his poisoned arrows at whoever he pleased; there was no mode of repelling the charge; the attacked and injured party could not turn round upon him and say who are you? As Dr. Johnson said, of JUNIUS as long as he walks like Jack the Giant Killer in a coat of darkness he

may slay whom he pleases in safety. The Learned Counsel said that he thought it would have been a good restriction when a Regulation was forming to restrain the Press to have made it incumbent on every Writer to sign his real name. Had that been the case, the writers of these Libels must have avowed themselves, and would not have been able to attack in masks his Client, who stood exposed and naked to their shafts. He would ask whether any man breathing, the most upright and the most pure, would like thus to have had every action of his life from boyhood upwards thus exposed to the public gaze; but this was the case with his client; every act of his private life, and even of those most dear to him, was dragged forward from day to day, and every exposition found ready insertion in the *JOHN BULL*. It had been urged, the Learned Counsel said, that this Paper was favored by this Government; but he did not believe it: yet if an idea did get abroad that this Paper was the friend or favored by the Government, and that Mr. Buckingham was hailed as its enemy, it might be most injurious. But in another point of view it was still more so to individuals—it was calculated to work on the fears of the timid, and the learned Counsel said he knew instances of timidity which had actually occasioned persons to shun Mr. Buckingham, although they had an esteem for him. He hoped these persons were few, because we are certainly free, and a great body of us, he trusted, fearless. But there may be, there are exceptions; and such impressions may do injury to society at large. It had been sufficiently proved that in that Paper, the *JOHN BULL*, publications had gone forth calculated to create dissensions in society. He was an advocate for having public character open to scrutiny, but then that scrutiny should be respectful and a fair comment on their public acts. If any thing had been advanced by his clients disrespectful to Government, he lamented it, but it was consistent with the integrity of this Court, and with justice to those who appealed to it for redress, that if the Government is to be safe from attack—private character should be protected—the learned Counsel said, if justice were in the Bench, and he knew well that it was,—private character would be protected.

He would next call his Lordship's attention to the Libel of the 4th of January last, after the letter of the Plaintiff's Attorney, offering to give up the actions against him and the Proprietors, if they would give up the names of the Libellers; they did not comply, and are bound to suffer the consequences. On the 4th of January, although they had information that this plaint would be filed on the 7th, there appeared the Libel signed *VERUS*, a sort of Catechism commencing thus:

"Q. Who is Mr. Buckingham?

A. "Auntful Adventurer" whom the Quarterly Review first exposed to the world; and whom the "Friend to Banks" has since more completely developed; a vain and impudent puffer up of his own Travels, which after all are not his own, but as the Reviewer and the Friend have clearly shewn, stolen from his fellow Traveller; a man who boasts of honesty and fidelity, in the same breath in which he admits breach of trust and fraudulent concealment of character. The enologist of his own talents and virtues; the base traducer of the good name of others, one who practised the most unworthy piece of deceit on our Society on his arrival here in 1818; and who only two days ago, held up the late worthy Bishop of Calcutta as sanctioning infidelity and indecency—one who repays kindness with calumny; and to establish false accusations against his dead benefactors, falsifies documents, and then brings them forward as proof. A man who can assert that he could never obtain a sight of even a copy of a paper, of which he possessed the original; and when obliged to admit that he had the original, gravely wrote that his former assertion as to the copy was only a "confused mode of expression, written at night" which every candid man would see and excuse! a man who replied to a Letter styling him "a villain" that he was "notwithstanding" the very sincere friend of the writer! a man who deceived all the English Gentlemen settled in Egypt, and by all of whom he has been held up as "rascal" "fool" "villain" "scoundrel" as, appears by the evidence to his character in that part of the world, which he challenged the Friend to Banks to produce; a man whose conduct and principles have procured him the honour of being excluded from the first society of Calcutta.

Into which Society, said the learned Gentleman, this *VERUS* certainly never entered. These he stated were the libels, and again he would ask if it were possible for the most un-

blemished character to stand against such attacks. The other side might set up that the Proprietors were harmless of these libels. But on the 9th of November Mr. Buckingham had written a most temperate letter to the Proprietors on the subject, and some said that they had nothing to do with it, others that they were sorry for them, but could not prevent their publication; until at length worn out by these repeated and continued attacks, his Client, three days after the publication of the last quoted libel, filed his plaint. He contended therefore, that it was impossible for his learned friend to prove by any just and equitable rule of Court that the Proprietors of the *BULL* were not responsible for those Libels. They would say perhaps, that he had opposed their motion for twenty days more time, not to seek for evidence, but to plead. To tell the authority on which they published these libels; but even with respect to evidence, Libellers ought to be prepared with their evidence, not to say they must send here and there to collect it. But if they would have justified, they might have examined evidence by interrogatories on affidavit in any country. But after all, they delayed till the last day of term, and then pleaded the general issue. As therefore, they had been dealt with in the fairest manner, they could not complain. He would not attempt to shew special damage, because it generally happened that those who are the most atrociously and wickedly assailed, find it the most difficult to prove special damage; but it was possible these libels may have had some effect in a high, and most respectable quarter, and been conducive to the visitation that had fallen on his Client; he did not mean to impute it, but it was possible—the libels had, however, been widely circulated lately, here and in Europe; and he did call with confidence on his Lordship to fix on them the stamp of his opinion.

The witnesses were now called in and examined.

ABSTRACT OF THE EVIDENCE.

Mr. Henry Abbot—examined by Mr. Twton.

A great many questions were asked, which not appearing material we pass over. The Witness deposed that he knew who the Proprietors of *JOHN BULL* were, viz. all the Defendants, with the exception of Mr. Greenlaw. Some of them ceased to be Proprietors subsequent to the action being instituted. Witness was retained to act as Attorney sometime in December. He proved a Copy of a Letter (marked F.) received from Mr. Comberbach, and the reply to it, which showed Mr. Greenlaw to be the Editor. He knew who the Proprietors of *JOHN BULL* were because he drew up the Deed.

Mr. Thacker—Examined by Mr. Twton.

Received the *TRAVELS IN PALESTINE* (of which a copy was produced) from Black and Co. in Leadenhall street, as he is in the habit of receiving other similar works, and understood Mr. Buckingham, Editor of the *JOURNAL*, to be the author; He was a subscriber to two or three copies of the *JOURNAL*, and knew Mr. Buckingham to be the Editor from transacting business with him.

Peter Paul Examined.

Proved the publication of the various Numbers of *JOHN BULL* referred to, having purchased them at the office, or usual place of publication, and paid for the same, including the *NEW YEAR'S GIFT*, an extraordinary publication issued from the same place.

Mr. Chinnery—Examined by Mr. Twton.

I saw the *JOHN BULL* of the 30th November last containing a letter signed *NIGEL*, I was acquainted generally with all that was passing at the time published in the *JOURNAL*, and am convinced that that letter pointed to Mr. Buckingham. I remember to have read the letter signed *CIVILIS* in the *BULL* of the 29th Nov. and consider it also to refer to Mr. Buckingham. The Letter of *SAMPSONIUS* in the Paper of 13th Dec. and the "*Catechism*" inserted in the Paper of the 4th January, and the "*New Year's Gift*," published on the 1st January, I considered all to have had the same application.

PROSECUTION FOR LIBEL.

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Cross examined by Mr. Clarke.

I know Mr. Buckingham to have been Editor of the JOURNAL from the beginning. I always subscribed to it.

Q. Is that a Number of the CALCUTTA JOURNAL? (The Paper of the 13th August, 1822, being shown.)

A. Yes: it is very like it.

Mr. FERGUSON—It is a good Likeness? (A laugh.)

I did not hear of any reports being prevalent against Mr. Buckingham that he had been guilty of fraud or breach of trust previous to the publication of these Libels. I attended a Meeting where certain Documents were produced by Mr. Buckingham, tending to prove Mr. Buckingham's right to the Papers made use of in Mr. Buckingham's Books of Travels. These Documents were afterwards attested by a Notary, and the originals produced at the Meeting, appeared to Mr. Palmer and all present quite satisfactory. The accusation of Mr. Bankes was that Mr. Buckingham had made an improper use of his Notes on account of the publication which he was about to make, about which there had been some dispute in England. This was the occasion of the Meeting, and I believe an account of the Proceedings was published and that whatever was done there, is in type. The charge against Mr. Buckingham of making an improper use of Mr. Bankes's Notes was not I believe generally known in Calcutta, but only to Mr. Buckingham's particular friends. The first time I heard of it was from Mr. Buckingham when he asked me to attend the meeting already spoken of. The account of this Meeting was not I believe published immediately after; not till the latter part of last year, when the QUARTERLY REVIEW came out. Mr. Buckingham perfectly satisfied my mind of the falsehood of the charges brought against him, and that the original Documents produced were true; and all present at the Meeting were unanimously of that opinion and subscribed to it willingly and heartily. The parties present were Mr. PALMER, Mr. JAMES YOUNG, Mr. JAMES MELVILLE, Mr. JOHN YOUNG, Mr. CALDER, Mr. CHASTENAY, Mr. WYNCH, and myself. I signed and I believe the rest did, but I cannot swear to it. I believe Mr. Palmer signed in my presence.

Re-Examined by Mr. Turtton.

The first occasion of my hearing any reports prejudicial to Mr. Buckingham was from the publications of the JOHN BULL, except the one referred to, in the Documents signed at the Meeting. The Gentlemen before named as well as myself were decidedly of opinion from the answers given by Mr. Buckingham to their questions, that no blame whatever attached to Mr. Buckingham's character.

Mr. P. S. D'ROZARIO, Printer of the CALCUTTA JOURNAL, being subpoenaed on the part of the Defendant, was called to prove the Publication of 26 Numbers of that Paper, adduced in Evidence, and used by their Counsel in the course of the Defence.

* "Mr. CLARKE" now rose to enter upon his defence. He contended that nothing had been made out against Mr. Greenlaw,

* The Learned Counsel for the Defence having made a Set Speech, which appeared to have been laboured with uncommon care, it would be impossible for us to do it any thing like justice; and therefore we the more willingly relinquish the task, lest we should be suspected of being wilfully deficient; and take it from a Contemporary Paper (the HURKAR) which cannot be suspected of any such partiality. But to give a general idea of it, we may merely remark, that it appeared to be a careful condensation of all the Libels against Mr. Buckingham, published in the pages of JOHN BULL; but the charges were less plausibly stated and in a less vigorous style. The Defendants, as formerly noticed, had abandoned the attempt to prove the truth of the matter charged as Libellous, in justification; notwithstanding this, their Counsel adduced in evidence various Numbers of this Paper, and attempted from them and other Books and Papers, in evidence or not in evidence, by reading and commenting on them in a long and laboured harangue, to found a justification on that very ground, which (as we understood) had been expressly abandoned. We therefore cannot see the object or utility of such an irrelevant speech, unless it afford an opportunity for the republication of the Quaintessence of all the said Libels; which we wish not to disgrace our pages,

except the letter of Mr. Comberbach, which amounted to nothing at all. This objection was over-ruled.

"Mr. CLARKE then entered on the defence, but it is impossible for us, pressed as we are by time, to follow the Learned Gentleman through the whole of his speech in the course of which his principal endeavor was to shew, that because the Plaintiff in this case had published libels in his paper, he had no right to come into that Court for a verdict and damages, to establish which, most copious extracts were read from various copies of the JOURNAL and Mr. Buckingham's Travels in Palestine. He had the honor, he said, in this case to be Counsel for the defendants. If his Learned Friend had claimed the indulgence of the Court on account of indisposition, it was far from necessary for him to do so, as there is scarcely one individual in the country who does not know more of these affairs than he did, and consequently who was not better fitted for this defence than himself. Fearful lest I may have erred in judgement, and at the same finding myself pitted against the strength and talent of the Indian bar,—and opposed to two gentlemen of experience—I feel that if this does not entitle me to claim the indulgence of the Court, a claim which was never made in vain—nothing will entitle me to it. Fearful lest my inability should prejudice my client's case, I rely on the goodness of the Court, a claim which I again repeat, was never made in vain.

"In beginning of this defence I cannot do no better than to call your Lordship's attention, to a passage of Scripture, "I will liken him unto a wise man who built his house upon a rock, and the rains descended, and the floods came and the wind blew, upon that house, and it fell not, for it was founded upon a rock." Anxious to set up on this principle, the simple statement which I am about to make will help me to do so most efficiently. On this occasion who am I defending? Gentlemen of the Civil Service—men of respectability, who have passed the ordeal of public opinion with credit, and against whom nothing could ever be insinuated.—Two of them are officers of your Lordship's Court.—Can these be the men who would wish to vilify the plaintiff? It seems that some cause must exist for their doing so. I own that my clients are legally liable to the consequences of such an action, but whether they are morally so, is what will not here be discussed. Is it not possible that they may have given up the management of the paper to the Editor? But if they have done so, they are still liable, because they could have prevented the publication and if they did not do so, they are still liable in the eye of the law. But now let us see who is the plaintiff? The Editor of the CALCUTTA JOURNAL, who in Egypt was a suspicious man. He published a letter in the JOURNAL from Mr. Bankes, an excellent man whom I know, in which he acknowledges that Mr. Borekhardt stamped him a villain. Briggs and Co. at Bombay threatened him with a prosecution if he did not restore their money which he had taken from them. As in Egypt so he was in Bombay. At length he comes to Calcutta—he enters here into the speculation of the JOURNAL and at last is sent home as a disturber of the public peace. Mr. Clarke contended that the plaintiff in this case having of his own accord been the cause of the discussion, the Court could not interfere. If a man holds an estate and gives people leave to enter the grounds of it, and damages are committed on the estate, he cannot bring his action for damages, because it was by his permission that people came upon it. Mr. Buckingham, invited the public to come forward to the discussion; for long before these libels had appeared, he boasted that he feared nothing from the Public Press and asserted that if he could not disprove all the charges brought against him, he must be both a blockhead and a rogue. The Learned Counsel

and we believe cannot appear in any other without incurring the same penalties as the original publication. We know it is a maxim recognised in the Court, as it was not long ago precisely stated, that if one person speak Libels there, for the purpose of others publishing them, they may be jointly prosecuted and punished as having entered into a Conspiracy to libel. We refer to the Case of *Rord, versus Mackintosh, and Co*

now adverted to an article in the JOURNAL in which it was stated, that "Mr. Bankes's respectability was to be proved."—This he denied, for it had been proved long ago. Mr. Clarke again contended that the Plaintiff had no right to come forward in this Court after he had been found guilty by the Court, by whom he insisted upon being tried.

"Sir F. MACNAGHTEN.—Have you the record of his conviction?"

"Mr. CLARKE.—Yes, my Lord, before the tribunal of the Public, to which he submitted himself,—and I contend again that he had no right to come here after that. The charge of breach of trust relates to the journey from Alexandria to Bombay, when he was charged with the transmission of a commercial treaty, and during which journey he collected the materials for his work. By the loss of time thus occasioned, he performed the journey in such a manner as to be guilty of a breach of trust with his employers.

"Mr. FERGUSSON was sorry to interrupt Mr. Clarke, but the nature of the pleadings had precluded him from proving the truth of Mr. Buckingham's case, and surely Mr. Clarke ought not to indulge in invective against his client for the purpose of proving that he was guilty of a breach of faith.

"Sir F. MACNAGHTEN made some observation which he did not hear distinctly, but which we understood to imply, that Mr. Clarke was at liberty to read any thing to disprove the malicious intent.

"Mr. CLARKE said that what he had read was the truth or it was not the truth. It appears from the letter of Mr. Barker, that although Mr. Buckingham was at Soor in January he did not arrive at Aleppo until May, and that in consequence of this delay, Mr. Barker thought him a mere adventurer and not honor his draft. This quarrel was however eventually made up. When he arrived at Bombay, Messrs. Briggs and Co. charged him with a breach of faith, and obliged him to pay back £200 out of the £400 to which he was entitled for carrying the letter from Alexandria to Bombay.

"Mr. CLARKE now proceeded to read a paper entitled "On Buckingham by Sheik Ibrahim," when Mr. Fergusson again rose, and observed that this was going further than he ever heard any Counsel go before.

"Sir F. MACNAGHTEN.—It is going further than I was prepared for.

"Mr. CLARKE continued, that if a man submits his cause to the public and they pronounce a decided opinion upon it, he has no right afterwards to come into Court to seek damages for the opinion thus expressed.

"The learned Counsel here spoke of the obligations under which Mr. Buckingham was placed to Mr. Borchardt—and of Mr. Buckingham's character of that individual, through the whole of which we much regret that neither our time nor our limits will permit us to follow him.

"He then said that the Catechism was no more than an answer to one published by Mr. Buckingham and afterwards read an article from the JOURNAL of 27th of March reflecting upon the JOHN BULL.

"The learned Counsel then observed that ever since the plaintiff had been in Calcutta, his paper had teemed with libels. The Church, the Government, the Governor General, the Officers of Government all had been attacked by him, and on this ground he contended the plaintiff had no right to come into Court. The learned Counsel contended that his clients had done a public service by exposing the character of Mr. Buckingham, and that the private injury was swallowed up in the public benefit; and he again contended on this ground that the plaintiff was entitled to no damages whatever. He then referred to some remarks on a Visitation Sermon which appeared in the JOURNAL on the 19th October 1819, and which he characterized as infamous.

"The learned Counsel then adverted to the fact of the letters of Nizam being republished in the JOURNAL. He observed that the

circulation of the JOHN BULL was small, but that of the JOURNAL widely extended. The injury would not have been extensive if confined to the BULL, but if any were received, it would be vastly increased by the wide spread of the JOURNAL, and the plaintiff must abide by the consequences of his own deed.

"With reference to the Friend to Bankes, the Learned Counsel observed that he did not know who he was, but, said he, if I had been in India, and had seen the attacks made upon Mr. Bankes, intimately connected as I am with him, I could not have been silent. Captain Boog the Friend of Mr. Borchardt had come forward, and had published letters of which he was the avowed author, but yet Mr. Buckingham did not dare to bring an action against him.

"The question then is, can the Plaintiff maintain his action. The Learned Counsel imagined not, for the reasons he had stated, but if he could, the question would be as to the amount of damages to which he would be entitled. This certainly ought to be trifling, particularly after his own acknowledgment that no injury had been suffered by him as to the circulation of his paper. The Learned Counsel would put down libels in every country, for he knew well that the Public encouraged libellers—Englishmen were accustomed to look at the conduct of their superiors with distrust, and they are more apt to read a paper like the JOURNAL, than one conducted on more moderate principles. But the only alternative that could be applied to a man of the character of the Plaintiff was ridicule, and this had been applied and succeeded, and now he came piling into Court for damages, in a case, which if it did exist at all, was brought about by himself. The Court must know the circumstances of this affair, the Learned Counsel remarked, better than he possibly could. In the defence he had first made, he labored under every disadvantage. His ignorance of the affair, his want of ability, had rendered him very unequal to the task. But he had waded through all the papers, and made all the selections which he had this day procured. The Court had seen that Mr. Buckingham was a pestilent fellow, not only interrupting society, but endeavouring to alienate the minds of the people, and he therefore contended that the JOHN BULL was more entitled to thanks than to blame, for the part which its conductors had taken. If a verdict were given against them it would be unfortunate for individuals and the state, and like the execution of Lord Stafford would be an intimidation to virtue and an encouragement to those who did not care for violating the laws. This would be the effect of a verdict against his clients. Mr. Buckingham had courted scrutiny and had produced documents which had ended in the confusion with which his clients had overwhelmed him. The learned Counsel here sat down after having made a speech, which was far more laboured than any which we have ever heard in India before."

Mr. FERGUSSON then rose to reply. So long a speech (he observed) and so little to the purpose, (without meaning any offence to my learned Friend,) I really never heard. It is not to reply to any arguments that bore upon the merits of the case, that I again address the Court, but to reply to the matter so irregularly introduced into Mr. Clarke's long speech, which I consider a gross aggravation of the original charge. When we have seen a new Law published to regulate the Press; and when we have seen that Government has sent my unfortunate Client out of the country, for no offence recognised in this Court, it was for Government to consider whether this act was right or wrong; but it is too much for my learned Friend to come and tell your Lordship, that Government were right in doing so; that my Client was a pestilent fellow and a disturber of society, and Government were justified in sending him out of the country as a public nuisance. This, my Lord, is a mode of defence I

* We must take the liberty of hastily supplying one or two material omissions in the Report of the above Speech. At the outset the Learned Counsel expressed his readiness to adopt the title, that had somewhere been conferred on him of "Clerk of the Tories," and in the course of his harangue, he intimated his relationship with Mr. Bankes, and further informed the Court that the latter was of Royal descent, for the blood of the Plantagenets flowed in his veins.

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am little accustomed to. It is to repeat the infamous libels of JOHN BULL, and vindicate the atrocious attempts to hunt down my Client, innocent or guilty, and drive him from society; and not only him, but all who should dare from an honest conviction of his worth to patronise and support him. The case of Lord Stafford was referred to, and your Lordship is told that if you punish these Libellers, it will deter others from doing the same again: that is, the punishment of those who executed Stafford at that time would have deterred the Regicides from bringing the King to the block. So the punishment of Libellers now will deter the publication of more such infamous productions. This is the mighty evil my learned Friend so feelingly deploras; others, he fears, will not be thus hunted down and so proscribed from society at the will of an anonymous Libeller. The Law says they should not; and your Lordship will I am confident, say so too.

I am not a little surprised at the line of argument pursued by the Counsel for the Defendants. Instead of a speech in mitigation of damages, which is all that would have been looked for, he has justified and enhanced the enormity of the whole tissue of libels on which these proceedings were founded. He maintains that it was all right, and to hear him even laudable. After indulging in the highest terms of praise towards his Clients, these "high and unpeachable Servants of Government who had gloriously passed through the ordeal of the public service," he advances for them a defence which I am sure they would have more discretion than advance for themselves. He makes it a deliberate act of these Civil Servants and others, (whom I respect I am sure as much as he does) to calumniate, nay to exterminate, Mr. Buckingham. Such an extraordinary Defence, I shall leave to make that impression on the mind of your Lordship which it cannot fail to do.

I shall not, (continued Mr. Fergusson), follow my Learned Friend through the long journey made at the expence of Briggs and Co., nor will I take up your Lordship's time with comments on the passages of the Book he read with so much pathos to the great edification, as he no doubt thought, of his hearers. But this I will undertake to say, that it was such a journey as my Learned Friend would not like to perform for Four Hundred Pounds; for according to all accounts, it was one of the most perilous and arduous ever performed by man. The despatches entrusted to Mr. Buckingham reached Bombay much sooner than he could have carried them, and Briggs and Co. had no dissatisfaction on that account, since the despatches answered every purpose for which they were intended. But the fact was, that the Pasha of Egypt levied too heavy duties on their trade, so that it would not yield them sufficient profit; and thus finding the speculation turn out so unfavorably, and hearing that Mr. Buckingham had prepared materials for a Book of Travels, they wished to take from him half the profits.

Now with regard to Mr. Bankes—Plantagenet Bankes—the illustrious acion of a famous line of ancestors.—I shall only recall to your Lordship's recollection the Defendant's own evidence, elicited by my learned Friend in his felicitous course of cross-examination. My learned Friend has taken care to prove to this Court by the cross-examination of Mr. Chinnery, that nine honourable men were satisfied after due deliberation, that Mr. Buckingham's statement were true, and that Mr. Plantagenet Bankes had stated falsehoods! So much for the famous Bankes' controversy.

I have next to speak respecting Mr. Burckhardt. The worst that can be said of my Client, is, that he spoke a great deal too well of him. For if ever there was a calumniator in the world, Mr. Burckhardt was one. He accused Mr. Buckingham, of deserting his wife and family and leaving them to starve in England; which is known to be an atrocious calumny; no man being more attached to his family, and from all I ever could learn, most deservedly so; and no man being more beloved. The complaint here against my Client, whom they are so fond of representing as scurrilous and abusive is, that he spoke too well of Mr. Burckhardt; that after the latter had published the above and other falsehoods, called my Client a villain, still he did not speak

against him but in his favour, because he then conceived Mr. Burckhardt to have been imposed upon. This charitable forbearance they tell us is a monstrous crime never to be forgiven.

As to the Extracts selected by Mr. Clarke from the twenty six Numbers of the CALCUTTA JOURNAL, and which had been read, I am satisfied that if my learned Friend could have discovered any more libellous matter he would have produced it to the Court. And as he has not done so, it may safely be taken for granted that it did not exist. Now, he had not been able to produce one libel on private character; there was not a single word of calumny on the private character of any individual. In fact, upon my learned friend's own shewing, there could not be a purer paper in existence. If it come to Libels between Editors, the most objectionable expression that could be found is that which accused a former Editor of the BULL of being "subservient;" and even that is applicable to public conduct. And is it for this, that Mr. Clarke, thinks it justifiable for a few powerful men, if they be so, to combine together to hunt Mr. Buckingham from Society, and proscribe all who should countenance him; than which nothing is so repugnant to English law, or so abhorrent to the spirit of Englishmen.

I do not accuse the Proprietors of having approved of these libels; I hope better of them; as I have not heard from any but their own Counsel that it was possible they should encourage or countenance such infamous productions. But they are the responsible persons to which we must look for redress. My Learned Friend has said there was no actual damage. The fact is that the more innocent an individual is, and the more falsely his character is libelled, his Friends become the more firmly attached to him, as I have often known to be the case. But this cannot be pleaded in excuse of the malignant assailants the aim and tendency of whose efforts evidently is to blast and destroy. But I am most of all astonished at the defence set up, on the other side, that Mr. Buckingham himself republished the Letter of NIGEL and circulated it more widely. To listen to Mr. Clarke it would be thought he did so not to expose its malice and refute its assertions, but to tell all the world it was true! On the contrary, my Client published along with it a most satisfactory refutation. To conclude, as libels more atrocious were never before brought before a Court of Justice, I trust your Lordship will award such damages as will mark the sense of the Court, and put down such an infamous system of libel and proscription.

(The above address was highly animated and energetic throughout; the feelings of the speaker seeming to hurry him along, to exertions beyond what was safe in his state of health, as already noticed.)

Sir FRANCIS MACNAGHTEN then delivered his opinion in a few words. His Lordship would not go far into the subject. It must be thought he admitted that there was nothing to show that the Proprietors of JOHN BULL had been actuated by malice towards Mr. Buckingham. They had nevertheless put themselves in the situation to be responsible for the malice of others, that the Plaintiff had come into Court with a just claim for damage, was most true; but that he had suffered no special damage was admitted, and special damage was not claimed. There could be no question of the matter charged being libellous, nor of the malice of the writers. It is true that Mr. Buckingham appealed to the opinion of the Public but he did not ask to be expelled from society, and his friends to be proscribed as his enemies demanded. To my mind (added his Lordship) they were libels of the grossest kind. Indeed, I cannot think of them without horror. If Mr. Buckingham could show, that he had been hurt in his property, in his newspaper, or in his mind, I should consider him entitled to the most ample and most exemplary damages; but as special injury is not pleaded, I do not consider heavy damages necessary.

His Lordship concluded by awarding to the Plaintiff a THOUSAND RUPEES DAMAGES with Costs.

The Proprietors and Editor of JOHN BULL have thus to pay a Thousand Rupees with the whole Costs of the Prosecution on both sides.

Aerolites.*To the Editor of the Journal.*

SIR,

In the report lately published in the GOVERNMENT GAZETTE, of the Proceedings of the Asiatic Society, mention is made of stones which had fallen in the Province of Allahabad. Upon shewing it to a friend, he said, a fuller account had been inserted in a former Gazette, and upon turning over the file, I found two letters from Mr. Nisbet, giving a general description of the stones which fell on the 30th of November, or 1st December, with remarks by Dr. Tytler on the subject.

The Doctor has no doubt, that these Aërolites were blown from the Volcano that has lately burst into action in the interior of Java, and mentions, that in 1815, he heard the explosion of the Tomboro Mountain in Sumbawa Island, 700 miles off; and that he picked off from the leaves of the trees growing between Cornelis and Chemangis, the ashes projected by the same Volcano, which has a marked resemblance to the powder of the Aërolites.

I would rather believe that they come from the Moon than from any Terrestrial Volcano—ashes being very light, may be wafted by the wind to an immense distance, but it does not follow that stones can be projected as far.

Whether the idea that such substances are exploded from Volcanoes was ever very general, I cannot say; the opinions of the learned in Europe at present are not in favor of that supposition, and as such of your Mofussil readers who cannot recur to books and journals may wish to know what is thought respecting the origin of meteoric stones and iron, I shall state a few of the opinions for their information.

It is to be hoped that Dr. Tytler will favor us with a more particular account of the ashes which he mentions; as many different kinds of powder may have a general resemblance and yet be essentially different. Kirwan did not find any thing remarkable in the volcanic ashes which he examined; he says "as well by their external appearance as by their analysis they appear to me exactly the same as those that proceed from various sorts of coal."

He does not mention their specific gravity but states that of two kinds of Pumice; the first below 1, the second at 0. In Lavoisier's Tables the specific gravity of Pumice is set down at .9145: which must be much less than that of any of the Allahabad stones. Brongniart makes it .914, Klaproth analysed some Pumice from Lipari and found it composed of Silice 77½, Alumina 17½, Oxyd of Iron 1½, besides a trace of Manganese.

Dr. Horsfield speaks particularly of eruptions of earth from two of the volcanoes of Java; they were considered as eruptions of ashes, which they very much resembled. This earthy powder which was very fine and light was found upon examination to consist of the clay [alumina] of the lavas, dissolved by the sulphureous steams on the bottom of the crater.

In the Philosophical Transactions for 1802, Mr. Howard has given an account and analysis of stones which had fallen in Yorkshire, Italy, Bohemia, and Benares, also of specimens of native iron. At the conclusion of his paper he says,—"From these facts I shall draw no conclusion but submit the following queries:

1st. Have not all fallen stones and what are called native iron the same origin?

2d. Are all or any, the produce, or the bodies, of meteors?

And lastly, might not the stone from Yorkshire have formed a meteor in regions too elevated to be discovered?

Nickel was at one time thought to be the characteristic ingredient of meteoric stones, but some have lately fallen which do not contain that metal. I believe Laugier was the first who detected chrome in them, and as this was chiefly owing to a new mode of analysis adopted by him, it may be as well to give his account of it.

Extract from a memoir by Laugier on a new principle in meteoric stones, read in the French National Institute 10th March 1806.

"It is probable that I should not have discovered the chrome had I not made use of a mode of analysis totally new. Hitherto the acids have been always resorted to; and this is perhaps the most natural and convenient process. On the present occasion, however, I employed caustic alkali; this has the peculiar advantage of shewing the presence of chrome, however small in quantity; whereas it is almost impossible to perceive it when it is dissolved in the acids, particularly since it is then mixed with a great quantity of iron, manganese," &c.

M. Laugier has since found chrome in all which he has examined, so that this substance is now considered to be the characteristic ingredient of Aërolites.

I may add another reason for having given the above, viz. It is not mentioned that the stones which fell in Benares contained chrome, but they were examined before the present mode of analysis was adopted. Your Correspondents in Allahabad will now be able to give a particular account of the component parts of the stones which lately fell in that quarter, in addition to the general description which has appeared in the Gazettes.

I shall be obliged to any of your Correspondents who can correct or improve the following—

List of Meteoric stones which have fallen in India.

1795 Stones fell in Ceylon.

1798 Stones fell near Benares on the 19th of December, of which Mr. Williams has published an account in the Philosophical Transactions for 1802.

1810 July, a stone fell near Shahabad.

1814 Several stones fell in the Doab.

1823 November 30, or December 1, several stones fell near Allahabad, see GOVERNMENT GAZETTE of Jan. 2 and Feb. 6, 1823.

It is much to be desired that Mr. Nisbet should send a piece of the stone to the Royal Society of London, accompanied by depositions of eye-witnesses—the French having made strong objections to Mr. Williams's account of the Benares stones, saying, it is all hearsay: "Mais il faut bien observer que ni lui, ni aucune des personnes qu'il nomme n'ont été témoins du fait," &c.

"The celebrated M. le Marquis de la Place, whose name was the principal support of the lunar origin of meteoric stones has now abandoned this hypothesis and embraced that which gives them a more distant origin. In a recent paper on the lunar tables read before the French Board of Longitude on the 29th of March 1820, he asks 'are the motions of the Planets and the satellites sensibly altered by the attraction of comets and by the impulse of small bodies similar to meteoric stones which appear to come from the depths of celestial space.'"

Mr. Humboldt observes "they certainly do not belong to our atmosphere."

A. E.

Administrations to Estates.

Mr. Andrew Reid, late of Calcutta, deceased—James Weir Hogg, Esq.

Mr. Carrapiet Muckertich Moorat, late of Calcutta, an Armenian inhabitant, deceased—James Weir Hogg, Esq.

Lieutenant H. Gamble, late of His Majesty's 14th Regiment of Foot, deceased—James Weir Hogg, Esq.

William Hogg, Esq. late Surge on of the Civil Station at Hoogley, deceased—James Weir Hogg, Esq.

William Eaton, Esq. Barrister at Law, deceased—James Weir Hogg, Esq.

Captain Elias Vivian Dunsterville, late of Potttyghur, a Captain of Infantry, in the Honorable Company's Bengal Military Establishment, deceased; left unadministered by Clara Dunsterville, deceased—George Mackillop, Esq. Merchant.

ASIATIC DEPARTMENT.

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Ship Woodford.

We have been favored with the following particulars respecting the *WOODFORD*, the non-appearance of which has excited some anxiety:—

"The *WOODFORD*, Captain Chapman, sailed from Falmouth on the 5th or 15th of November, after putting back with damage from very severe weather three times, in company with the *PRINCESS CHARLOTTE*, bound to New South Wales, with Convicts: they parted company, and met again at Sea to the Westward of the Cape, when the *WOODFORD* being short of stock and water, was proceeding to Tristan de Cunha for the latter, to enable her to reach the Cape.

This information was communicated to Capt. Wasse of the *CARCASSIAN* by the Commander of the *PRINCESS CHARLOTTE* on the 7th February, off St. Paul's.

New Restrictions on the Indian Press.

A GOVERNMENT GAZETTE EXTRAORDINARY was issued yesterday morning, officially promulgating the New Rule, Ordinance and Regulation regarding the Periodical Press, passed by the Governor-General in Council on the 14th ultimo, and Registered in the Supreme Court on the 4th instant; and which consequently takes effect from the 18th of the present month. This is accompanied by a New Code of Restrictions for the Press, of which a Copy is given below; and as they will be found on perusal to differ very materially from the Restrictions issued in the time of Lord Hastings, we present both together, for the purpose of a more ready comparison.

Every Reader will observe, that if the New Restrictions were to be interpreted strictly, and in their full import, no impartial Newspaper attempting to discuss any political question, if even of real utility to the country, could live for a single day. The Friends of Indian improvement and of the glory of the British name in the East, will therefore rejoice to observe an explanatory paragraph immediately following the eighth Article, and which appears, to our comprehension, to confine the application of the New Restrictions, entirely to the manner and language in which facts and opinions shall be conveyed. We beg leave to quote here the passage in question—

"The foregoing rules impose no irksome restraints on the publication and discussion of any matters of general interest, relating to European or Indian affairs, provided they are conducted with the temper and decorum, which the Government has a right to expect of those living under its protection; neither do they preclude individuals from offering in a temperate and decorous manner, through the channel of the public Newspapers, or any other periodical works, their own views and sentiments, relating to matters affecting the general interests of the community."

To be allowed to discuss "matter of general interest, relating to European or Indian affairs," includes all that appears essential to a Calcutta Newspaper. To be allowed to offer "our views and sentiments (and afford others who feel desirous of thus contributing to the happiness of their fellow creatures an opportunity of publishing their through the medium of the Press,) relative to matters affecting (in our estimation) the interests of the community," is what we earnestly desire. Anxious to contribute to the Public good, by any means left open to us, "temper and decorum" shall continue the more particularly to be our study; and we hope all who are actuated by a desire to benefit their fellow subjects, by the publication of their sentiments, will confine themselves in their lucubrations within the strictest limits of decorum. This JOURNAL, which has been honoured with so large a share of public patronage, has risen in proportion to its zeal for the promotion of the public good; and on that solid basis only, we wish it still to rest.

Government Gazette Extraordinary.

FORT WILLIAM, APRIL 5, 1823.

The Governor General in Council, with reference to the Bye-Law passed on the 14th ultimo, and registered in the Supreme Court on the 4th instant, deems it proper to notify to the Proprietors and Editors of Newspapers and other Periodical Works, as specified in the aforesaid Bye-Law, that the publication in any such Paper or Periodical Work of matter coming under any of the following heads, will subject them to be deprived of the License under which such Paper or other Periodical Work may be conducted.

1st.—Defamatory or contumelious reflections against the King or any of the Members of the Royal Family.

2d.—Observations or Statements touching the character, constitution, measures or orders of the Court of Directors, or other public Authorities in England, connected with the Government of India, or the character, constitution, measures or orders of the Indian Governments, impugning the motives and designs of such Authorities or Governments, or in any way tending to bring them into hatred or contempt; to excite resistance to their orders, or to weaken their authority.

3d.—Observations or Statements of the above description, relative to allied or friendly Native Powers, their Ministers or Representatives.

4th.—Defamatory or contumelious remarks or offensive insinuations levelled against the Governor General, the Governors or Commanders in Chief, the Members of Council, or the Judges of His Majesty's Courts at any of the Presidencies, or the Bishop of Calcutta, and publications of any description, tending to expose them to hatred, obloquy or contempt; also libellous or abusive reflections and insinuations against the Public Officers of Government.

5th.—Discussions having a tendency to create alarm or suspicion among the Native population of any intended official interference with their religious opinions and observances, and irritating and insulting remarks on their peculiar usages and modes of thinking on religious subjects.

6th.—The re-publication from English or other papers of passages coming under the foregoing heads.

7th.—Defamatory publications tending to disturb the peace harmony and good order of society.

8th.—Anonymous appeals to the public, relative to grievances of a professional or official nature, alleged to have been sustained by public officers in the service of His Majesty or the Honorable Company.

THE FOREGOING RULES IMPOSE NO IRKSOME RESTRAINTS ON THE PUBLICATION AND DISCUSSION OF ANY MATTERS OF GENERAL INTEREST, RELATING TO EUROPEAN OR INDIAN AFFAIRS, PROVIDED THEY ARE CONDUCTED WITH THE TEMPER AND DECORUM, WHICH THE GOVERNMENT HAS A RIGHT TO EXPECT FROM THOSE LIVING UNDER ITS PROTECTION; NEITHER DO THEY PRECLUDE INDIVIDUALS FROM OFFERING IN A TEMPERATE AND DECOROUS MANNER, THROUGH THE CHANNEL OF THE PUBLIC NEWSPAPERS OR OTHER PERIODICAL WORKS, THEIR OWN VIEWS AND SENTIMENTS RELATIVE TO MATTERS AFFECTING THE INTERESTS OF THE COMMUNITY.

It will be the duty of the Chief Secretary to the Government, and that Officer is hereby enjoined to bring to the notice of Government without delay, any infringement of the foregoing rules by the conductors of Newspapers or other Periodical Works published in the English language; and the same duty is assigned to the Persian Secretary to the Government with relation to Newspapers and other Periodical Publications in the languages of the Country.

The Editors of the Newspapers or other periodical works in the English language are required to lodge one copy of every Newspaper, regular or extra, and of every other periodical work

published by them respectively in the office of the Chief Secretary to the Government, and the Editors of Newspapers or other periodical works in the languages of the Country are in like manner required to lodge one copy of every Newspaper or other periodical work published by them in the office of the Persian Secretary to the Government. For these Copies they will receive payment at the usual rate paid by regular Subscribers to such publications respectively.

Published by Order of the Honorable the Governor General in Council,

W. B. BAYLEY, Chief Sec. to the Govt.

It is hereby notified that Individuals wishing to apply for Licenses under the provisions of the Bye Law, will be furnished with forms of the necessary Affidavits on application to the Magistrates of the Police Office.

Former Restrictions.

(CIRCULAR.)

To the Editor of the _____.

Sir,

His Excellency the Governor General in Council having been pleased to revise the existing Regulations regarding the control exercised by the Government over the Newspapers, I am directed to communicate to you for your information and guidance the following Resolutions passed by his Lordship in Council.

The Editors of Newspapers are prohibited from publishing any matter coming under the following heads.

1st. Animadversions on the measures and proceedings of the Honorable Court of Directors or other Public Authorities in England connected with the Government of India, or disquisitions on Political Transactions of the Local Administration, or offensive remarks levelled at the public conduct of the Members of the Council, of the Judges of the Supreme Court, or of the Lord Bishop of Calcutta.

2d. Discussions having a tendency to create alarm or suspicion among the Native population, of any intended interference with their Religious opinions or observances.

3d. The republication from English or other Newspapers of passages coming under any of the above heads, or otherwise calculated to affect the British Power or reputation in India.

4th. Private Scandal and personal remarks on Individuals, tending to excite dissension in Society.

Relying on the prudence and discretion of the Editors for their careful observance of these Rules, the Governor General in Council is pleased to dispense with their submitting their Papers to an Officer of Government previous to publication. The Editors will however be held personally accountable for whatever they may publish in contravention of the Rules, now communicated, or which may be otherwise at variance with the general principles of British Law as established in this Country, and will be proceeded against in such manner as the Governor General in Council may deem applicable to the nature of the offence, for any deviation from them.

The Editors are further required to lodge in the Chief Secretary's Office, one Copy of every Newspaper, periodical or Extra, published by them respectively.

I am, Sir, Your obedient humble Servant,

Council Chamber, }
August 12, 1818. }

(Signed)

J. ADAM,

Chief Secretary to the Government,

CALCUTTA BAZAR RATES, APRIL 8, 1823.

	BUY...	SELL
Remittable Loans,	Ra. 30 0	29 0
Unremittable ditto,	8 12	8 4
Bills of Exchange on the Court of Directors, for } 18 Months, dated 30th of April 1822,	25 0	24 0
Bank Shares,	6000 0	5900 0
Spanish Dollars, per 100,	207 0	206 3
Notes of Good Houses, for 6 Months, bearing Interest, at 6 per cent.		
Government Bills, Discounted,	at 3 8 per cent	
Loans on Deposit of Company's Paper, for 4 to 6 months, at 3-8 per cent		

New Regulation for the Press.

IN THE TERRITORIES SUBORDINATE TO THIS PRESIDENCY.

The following Regulation passed by the Governor General in Council on the present date, (April 6,) is published for general information.

A. D. 1823. REGULATION III.

A REGULATION for preventing the establishment of Printing Presses without License, and for restraining, under certain circumstances, the circulation of printed Books and Papers: Passed by the Governor General in Council on the 5th April 1823, corresponding with the 24th Chyete 1229. Bengal era; the 10th Chyete 1230, Fussy; the 25th Chyete 1230 Willaity; the 9th Chyete 1230 Sumbut; and the 22d Rajab 1230 Higees.

I.—*Preamble*.—WHEREAS it is deemed expedient to prohibit, within the territories immediately subordinate to the Presidency of Fort William, the future establishment of printing presses, and the use of any such presses, or of types or other materials for printing, except with the previous sanction and licence of Government, and under suitable provisions, to guard against abuse; and whereas it may be judged proper to prohibit the circulation, within the Territories aforesaid, of particular newspapers, printed books, or papers of any description, whether the same may be printed in the town of Calcutta or elsewhere; —the following rules have been enacted, to be in force from the date of their promulgation within the territories immediately subordinate to the presidency of Fort William.

II.—*The printing of books and papers, and the use of printing-presses prohibited, except with the License of Government.*—Violation of this Rule how punishable.—No person shall print any book or paper, or shall keep or use any printing press, or types, or other materials, or articles for printing, without having obtained the previous sanction and license of the Governor General in Council for that purpose; and any person who shall print any book or paper, or shall keep or use any printing press or types, or other materials, or articles for printing, without having obtained such licence, shall be liable, on conviction, before the Magistrate or Joint Magistrate of the Jurisdiction, in which such offence may be committed, to a pecuniary fine not exceeding one thousand Rupees; or commutable, if not paid, to imprisonment without labour, for a period not exceeding six months.

III.—*Unlicensed Printing Presses to be attached by the Magistrates, and may be disposed of as the Government may direct.*—Under what circumstances Magistrates may issue Warrants for the search of houses.—The Magistrates and Joint Magistrates are further authorized and directed to seize and attach all printing presses and types, and other materials or articles for printing, which may be kept or used within their respective jurisdictions without the permission and license of Government, and to retain the same (together with any printed books or papers found on the premises), under attachment, to be confiscated, or otherwise disposed of, as the Governor General in Council (to whom an immediate report shall be made in all such cases) may direct; and if any Magistrate or Joint Magistrate, shall on credible evidence, or circumstances of strong presumption, have reason to believe, that such unlicensed printing presses, or types or other materials or articles for printing, are kept or used in any house, building, or other place, he is authorized to issue his warrant to the Police Officers to search for the same, in the mode prescribed in the rules for the entry and search of dwelling houses, contained in Clause fifth, sixth, and seventh, Section XVI. Regulation XX. 1817.

IV.—*Persons desirous of keeping or using printing presses, how to apply for a license.*—Circumstances to be specified in the application.—And how to be verified.—Whenever any person or persons shall be desirous of keeping or using any printing press or types, or other materials or articles for printing, he or they shall state the

same by a written application to the Magistrate, or Joint Magistrate of the Jurisdiction, in which it may be proposed to establish such printing press. The application shall specify the real and true name and profession, cast or religion, age and place of abode of every person or persons who are, (or are intended to be) the printers and publishers, and the proprietors of such printing press or types or other materials or articles for printing, and the place where such printing press is to be established; and the facts so stated in the application, shall be verified on oath, or on solemn obligation, by the persons therein named as the printers, publisher, publishers or proprietors, or by such of them as the Magistrate, or Joint Magistrate may think it expedient to select for that purpose.

V.—*Application to be forwarded to Government, who will grant or withhold the licence.*—The Magistrate or Joint Magistrate shall then forward a copy of such application (with a translation, if it be not in the English language) to the Governor General in Council, who after calling for any further information which may be deemed necessary, will grant, or withhold the licence, at his discretion.

VI.—*The conditions which may be annexed to such licence to be communicated, both verbally and in writing, to the parties concerned.*—If the licence shall be granted, the Magistrate or Joint Magistrate will deliver the same to the parties concerned, and will apprise them, both verbally and in writing, of the conditions which Government may in each instance think proper to attach to such licence.

VII.—*Power of recalling such licences, reserved to Government.* *Notice of recall how to be served.*—The Governor General in Council reserves to himself, the full power of recalling and resuming any such licence, whenever he may see fit to do so. Such recall will be communicated by the Magistrate or Joint Magistrate, by a written notice to be delivered at the house, office, or place named in the application, as that, at which the printing press was to be established, or at any other house, office, or place, to which such printing press may, with the previous knowledge and written sanction of the Magistrate or Joint Magistrate, have been intermediately removed.

VIII.—*Penalties attaching to persons who may use such printing presses after notice of recall.*—Any person or persons, who, after such notice being duly served, shall use, or cause, or allow to be used, such printing presses or types, or other materials or articles for printing, shall be subject to the penalties prescribed in Section II of this Regulation; and the printing presses, types and other materials or articles for printing, together with all printed books and papers found on the premises) shall be seized, attached and disposed of, in the manner prescribed in Section III. of this Regulation.

IX.—*The first and last pages of books and papers printed at a licensed press to contain certain specifications. A copy of every book and paper printed at a licensed press, to be forwarded to the Magistrate and by him to Government.*—All books and papers which may be printed at a press duly licensed by Government, shall contain on the first and last pages, in legible characters, in the same language and character as that in which such book or paper is printed, the name of the printer, and of the city, town or place, at which the book or paper may be printed; and of every book and paper printed at such licensed press; one copy shall be immediately forwarded to the local Magistrate or Joint Magistrate, who will pay for such books or papers the same prices as are paid by other purchasers; all such books and papers, if printed in the English, or other European language, shall be forwarded by the Magistrate or Joint Magistrate to the office of the Chief Secretary to Government, and if printed in any Asiatic language, to the office of the Secretary to Government in the Persian Department.

X.—*Notice how to be given, if the circulation of any newspaper or printed books shall be prohibited by Government.*—If the Governor General in Council shall at any time deem it expedient to prohibit the circulation, within the territories immediately subordinate to the Presidency of Fort William, of any particular

newspaper, or printed book, or paper of any description, (whether the same may be printed in the town of Calcutta or elsewhere) immediate notice of such prohibition will be given in the GOVERNMENT GAZETTE, in the English, Persian and Bengalee languages. The Officers of Government, both Civil and Military, will also be officially apprised of such prohibition, and will be directed to give due publicity to the same, within the range of their official influence and authority.

XI.—*The wilful circulation of such prohibited papers, how punishable, if the offence be committed by persons subject to the authority of the zillah and city courts.*—Any persons subject to the authority of the Zillah and City Courts, who after notice of such prohibition, shall knowingly and wilfully circulate, or cause to be circulated, sell, or cause to be sold, or deliver out and distribute, or in any manner cause to be distributed, at any place within the territories subordinate to the Presidency of Fort William, any newspaper, or any printed book, or paper, of any description so prohibited, shall on conviction before the Magistrate, or Joint Magistrate of the Jurisdiction in which the offence may be committed, be subject for the first offence, to a fine not exceeding one hundred rupees; commutable, if not paid, to imprisonment without labour, for a period not exceeding two months; and for the second, and each and every subsequent offence, to a fine not exceeding two hundred rupees, commutable to imprisonment without hard labour, for a period not exceeding four months.

XII.—*The offence how punishable, if committed by a person not subject to those Courts.*—If the person who may commit the offence described in the preceding Section, shall not be amenable to the authority of the local Magistrate, or Joint Magistrate, the Governor General in Council will adopt such measures for enforcing the prohibition notified in pursuance of Section X. as may appear just and necessary.

XIII.—*Judgments passed by Magistrates under this Regulation to be reported to Government.*—All judgments for fines given by the Magistrate and Joint Magistrate under this Regulation, shall be immediately reported, (with a copy and abstract translation of the proceedings held in each case) for the information and orders of the Governor General in Council, who reserves to himself a discretion, of remitting or reducing the fine in any instance, in which he may judge it proper to do so.

By Order of the Honorable the Governor General in Council,
W. B. BAYLEY, Chief Sec. to the Govt.

Fort William, 5th April, 1823.

Selections.

Ceylon, March 8, 1823.—The Honorable Sir Richard Ottley, Paines, Justice embarked on the 3d instant on board the ORPHEUS on a voyage to the Mauritius and eventually to the Cape of Good Hope for the recovery of his health. The usual salute was fired on the occasion.—Ceylon Government Gazette.

Bombay, March 23, 1823.—Our Extra of Wednesday last has already put our readers in possession of the chief article of intelligence brought out by the ship HASTINGS to Madras—namely the nomination of Lord Amherst to the office of Governor General of India. This appointment, from the high character for integrity and inflexible honor which his Lordship bears, will no doubt give universal satisfaction to the European population in this country. We should hope too, that his Lordship's old acquaintance the Emperor of China will not forget to send him a congratulatory message on the occasion. Some of our Readers will perhaps think there is something ominous in the appointment of Lord Amherst at the present moment, when the recollection is still fresh of the late disputes at Canton; and a few of our Military friends who long for the return of active employment and full Batta, may perhaps dream of expeditions, and subsidiary forces in a new quarter.

H. M. Ship GANGES, the GEORGE HOME and HADLOW had all arrived in England, but the dates are not mentioned. The HANNAH reached Gravesend, on the 10th of October. The ENGLAND and ROYAL GEORGE, Free traders, were to sail for Bombay in all in November.

The following is a list of the Regular ships taken up, for this season. ROYAL GEORGE, S. Timins; GENERAL KYD, A. Nairne; KENT, H. Cobb; HYME, J. P. Wilson; WINDSOR, T. Haviside, for Bengal and China.

HERFORDSHIRE, W. Hope; INGLIS, S. Serle; WATERLOO, R. Alsager; CALEBY CASTLE, D. R. Newall; FARQUHARSON, W. Cruickshank, for Bombay and China.

BRIDGEWATER, W. Mitchen; for St. Helena, Bombay and China.

KELLIE CASTLE, E. L. Adams; ATLAS, C. O. Moyne, for Madras and China.

REPULSE, J. Paterson; for St. Helena, Bencoolen and China.

VANSITTART, W. H. C. Dalrymple; for China direct.

The following Heads of Intelligence from China, per RANGER, Capt. Clark, which left China on the 30th January, have been communicated to us.

The price of Bengal Cotton is quoted at at 8 taies 5 mace per pecul, and Bombay from 8 5 to 9 taies, but very few sales going on, and cash exceedingly scarce.

Bengal Opium quoted at 2350 Dollars per Chest and sales dull, Bombay (Malva) selling briskly at 1380 Dollars per Chest Turkey Opium in small quantities at 1750 Ds.

Another Hong is about to fail and will involve many, indeed there will remain few in whom confidence can be placed. Canton was never known in such a state of misery.

An Overland Packet for England will be made up at the Chief Secretary's Office at noon on the 24th instant, to be forwarded via Bussorah and Constantinople.*

A splendid dinner was given yesterday evening by the Vice President and Members of the Highland Society, at Lowjee Castle. The late hour at which the party broke up, prevent us from doing justice in this paper to all that was "said and done," but we shall compensate for it in our next number.

Review of the 2nd Regt. of Light Cavalry at Deesa.—We have great pleasure in publishing the following order, issued by Colonel Dalblac the Inspector of Cavalry on this presidency, on the occasion of reviewing the 2d Regt. of Light Cavalry at Deesa.

"The Inspector of Cavalry has to express the very sincere gratification which he has derived from the inspection of the 2d Regiment of Light Cavalry.

The cleanly, soldierlike, and healthy appearance of the men, and the superior condition of the horses, reflect the highest credit upon the interior economy of the corps, with every part of which the Inspector had infinite reason to be satisfied.

The movements in the field upon the days of exercise were not only executed with smartness and precision, but with a proper degree of celerity, founded upon good judgement.

The sword exercise in line was never more correctly performed.

The activity, and attention on the part of the Squadron and Division leaders were observed with peculiar satisfaction, as qualifications of the very first importance and without which no Cavalry in the world can ever appear to advantage.

The Inspector requests Lieut Colonel Wilson to accept his particular acknowledgments upon the present occasion, and to convey to Captain Gordon, to the whole of the Officers, Native as well as European, and to the Non Commissioned Officers, and men of the 2d Regt. Light Cavalry this highly merited tribute of his approbation.

(Signed) D. CUNNINGHAME,

Camp Deesa, February 21, 1823.

Line Adjutant.

Madras, March 26, 1823.—The MADAGASCAR, our readers will recollect, was built at Bombay with a Circular Stern—an improvement of Sir R. Seppings—which will prove of great national importance, inasmuch as the rudder is not more exposed than in Vessels of ordinary construction, and in the event of being obliged to fly from an enemy, (an event as seldom recorded and less to be dreaded,) the new invention affords ample means of defence astern.—The MADAGASCAR brings us no hopes of seeing the Commodore this year—as he meditates a trip to Penang.—It appears that Lord Thynne's Commission extended no further than to take the command of the TERMAGANT—He arrived in the long expected Ship ALLIGATOR at Bombay on the 10th instant—and we can collect from the Bombay Prints, no intention of his Lordship's movements.—The MADAGASCAR will take her departure for England under the command of Captain Nepean on Saturday next—offering the first favourable opportunity for the transmission of Letters.

We are still without any Intelligence of the Woodford.

The following Ships have quitted the Roads since Saturday last for their respective destinations:—

* This will probably convey to England the first intelligence of Mr. Buckingham's Transmission.—ED. JOUR.

The Ships HAHMY, Captain Jeremiah James Desham, and EARL KELLIE, Captain R. Edwards, sailed on Sunday morning, the former for Escapilly and Calcutta, and the latter for Rangoon.

The Cutter MARY, Captain J. G. Lear, His Majesty's Schooner TENDER COCHIN, Captain Edmond Tincombe, and Schooner HIGHLAND LASS, Captain C. W. Eaton, sailed on Monday evening, the MARY for Colombo, the COCHIN, on a Cruise, and the HIGHLAND LASS, for Masulipatam and Coringa.

Passengers.—PER HAHMY.—Captain Deller, Mariner. PER HIGHLAND LASS.—Miss Leighton.

Shipping Arrivals.

BOMBAY.

Date	Names of Vessels	Flags	Commanders	From Whence	Left
Mar. 16	St. Antonio	Portg.	J. F. deOliveira	Macao	Dec. 20
18	Futtay Raimany	Arab	Ab. bin Husson	Rangoon	Feb. 1
19	Ranger	British	C. C. Clark	China	Jan. 30
21	Glorioso	British	Paterson	China	Jan. 30

Shipping Departures.

BOMBAY.

Date	Names of Vessels	Flags	Commanders	Destination
Mar. 15	Toffick	Arab	Hussun Cootey	Mocha
18	Good Success	British	W. T. Poynton	China
19	Hydroos	Arab	Abou Bucker	Penang
20	Lady Negent	British	R. Boon	Ceylon

Stations of Vessels in the River.

CALCUTTA, APRIL 7, 1823.

At Diamond Harbour.—CONDE DO RIO PARDO, (P.),—MANGLES, proceeded down,—CIRCASSIAN, inward-bound, remains.

Saugor.—MINERVA, ALFRED, and NEPTUNE, gone to Sea.

The SCOTIA arrived off Sulkea on Monday.

The Ship RESOURCE, Captain B. Fenn, is expected to sail for London direct, in two or three days.

Passenger per Ranger, from China to Bombay.—Captain Aitchison, of the Bombay Establishment.

Marriages.

On the 8th instant, by the Reverend J. PARSON, H. P. LOVELAKE Esq. His Majesty's 16th Regiment of Dragoons, (Lancers), to LOUISA CLEVELAND, eldest Daughter of the late THOMAS CLEVELAND, M. D. of Great Marlborough Street.

On the 5th instant, at St. John's Cathedral, F. P. STRONG, Esq. to Miss O'BRIEN.

Births.

At the Presidency, on the 6th instant, the Lady of Lieutenant H. B. HENDERSON, of a Daughter.

On the 6th instant, at the house of her mother, Mrs. GONSALVES, in the Durrumtolah, Mrs. GILBERT SCOTT, of a Daughter.

At Cawnpore, on the 21st ultimo, the Lady of H. G. CHRISTIAN, Esq. Civil Service, of a Son.

At Poona, on the 24th of February, Mrs. LUXAS, of a Son.

Deaths.

At Barrackpore, on the 2d instant, HENRY, the infant Son of W. THOMAS, Esq. Surgeon, 20th Regiment of Native Infantry, aged 6 weeks.

At Madras, on the 10th ultimo, in the bosom of her family, Mrs. CATHARINE D'SILVA. She died of a short illness, in the 56th year of her age, to the inexpressible grief of her justly affectionate son, twelve surviving grand children, and two great grand children. She bore the inevitable stroke with her usual unshaken fortitude, and breathed her last in the arms of her disconsolate son.

At Penang, on the 7th of February, PHILLIP, the Son of Mr. A. M. AUGUSTINE, aged 1 year and 15 days.

At Penang, on the 15th of February, at the residence of the Honorable J. MACALISTER, Esq. Mrs. FRASER, wife of D. A. FRASER, Esq. of Batavia.

At Bombay, on the 18th ultimo, ANNA MARIA, the infant Daughter of THOMAS CRAWFORD, Esq.

At Bombay, on the 20th instant, Mr. JOHN MOLLISON, aged 38 years.